



1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 38—September 19, 1997

Pages 12,764 - 12,885

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>



Printed on recycled paper



published by
George H. Ryan
Secretary of State

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
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Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
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Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
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Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
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Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
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Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
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May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
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June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 1, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Prequalification of Architects and Engineers

- 2) Code Citation: 44 Ill. Adm. Code 980

- 3) Section Numbers:

980.111 New
980.120 New
980.130 New
980.140 New
980.150 New
980.160 New
980.170 New
980.180 New
980.190 New
980.200 New
980.210 New
980.300 New
980.310 New
980.320 New
980.410 New
980.420 New
980.430 New
980.440 New
980.450 New
980.460 New
980.470 New
980.480 New
980.500 New
980.510 New
980.520 New
980.530 New
980.540 New

- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 1A-11 of that Act.

- 5) A. Complete Description of the Subjects and Issues Involved: Replaces prequalification rules being repealed. Provides greater detail in many areas, including causes for CDB action on prequalification status. Eliminates prequalification of joint ventures and consultants (subcontractors) that are not architects or engineers.

- 6) Will this proposed rule replace an emergency rule current in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporation by reference? No

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed rule does not create or expand the state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 605/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Legal Counsel
Capital Development Board
3rd Floor Wm. G. Stratton Bldg.
Springfield, IL 62706
217/782-1392

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit organizations affected: Small architectural or engineering firms, and small non-architectural or non-engineering firms.

- B) Reporting, bookkeeping or other procedures required for compliance: Clerical

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed rule begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT
 CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 980

PREQUALIFICATION OF ARCHITECTS AND ENGINEERS

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980.120	Prequalification Required
980.130	Special Projects
980.140	Confidentiality
980.150	Sources for Determining Responsibility
980.160	Department of Professional Regulation Action
980.170	Prequalification of Firms and Office Locations
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SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section	Actions Affecting Responsibility and Prequalification
980.300	Causes for Suspension, Modification of Prequalification, and Conditional Prequalification
980.310	Nullification of Prequalification
980.320	

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Section

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980.500	Review
980.510	Notice of CDB Action
980.520	Executive Director
980.530	Hearings
980.540	Burden of Proof

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 1A-11 of that Act.

SOURCE: Adopted at 2 Ill. Reg. 30, P. 140, effective July 27, 1978; amended at 2 Ill. Reg. 9, P. 231, effective February 14, 1980; amended at 2 Ill. Reg. 190, effective February 17, 1981; amended and codified at 2 Ill. Reg. 20317, effective October 30, 1981; amended at 2 Ill. Reg. 192, effective February 1, 1985; amended at 12 Ill. Reg. 20446, effective November 29, 1988; Part repealed, new Part adopted at 21 Ill. Reg. _____, effective _____.

SUBPART A: RESPONSIBILITY

Section 980.110 Purpose

The Capital Development Board professional services agreements shall be awarded only to prequalified architects or engineers. An applicant for prequalification must affirmatively demonstrate its responsibility. In the absence of information clearly indicating that the applicant is responsible, CDB shall make a determination of non-responsibility. Only responsible architects or engineers shall be prequalified and permitted to make submittals on CDB projects.

Section 980.120 Definitions

The following definitions shall apply to this Part:

"A/E" means an architectural or engineering firm that is in the business of offering the practice or furnishing of architectural or engineering services for building projects, which is registered with the Department of Professional Regulation and licensed to practice architecture, structural engineering or professional engineering in the State of Illinois, or which is properly authorized under the Professional Service Corporation Act and by the Department of Professional Regulation to practice architecture, structural engineering or professional engineering in the State of Illinois for purposes herein; this includes licensed individuals transacting business as sole proprietorships, which are not required to be registered with the Department of Professional Regulation.

"CDB" means the Capital Development Board, the agency.

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"Consultant" means a firm or individual who will perform a portion of the contract or assist the A/E in its performance of the contract under a contract with the A/E.

"Contract or Contract Requirements" consist of any and all provisions of the CDB Professional Services Agreement (PSA).

"Office Location" means all locations at which the A/E provides professional services under the license granted by the Department of Professional Regulation, which are under the responsibility of the managing agent for that license.

"Parent Office" means the primary location of the A/E's place of business.

"Key Person" means any individual who holds 7 1/2% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that organization who holds a 7 1/2% or more ownership interest is considered a "key person". Regardless of ownership interest, any officer, partner, managing agent or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc. regardless of ownership interest.

"Performance Record" consists of, but is not limited to, the following:

Evidence of material compliance with all CDB contract requirements.

Data indicating the A/E has met all contract requirements on previous contracts, private and public.

"Prequalification" is the status granted by CDB to responsible A/E's which permits them to make submittals on CDB projects or be awarded a CDB contract.

"Responsibility" is a determination made by CDB that the A/E is a responsible A/E. The determination may be made at any time. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of an application to CDB, may be changed upon receipt of additional or different information. The A/E is required to inform CDB of any significant change to the information submitted in its application. Each A/E must provide CDB with adequate documentation of responsibility. CDB will ordinarily

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provide forms for this information. CDB may supplement this information from other sources and may require additional documentation at any time. A responsibility determination may also be verified on an ongoing basis through other information, including performance evaluations and reference contacts.

"Responsible A/E" is a firm that:

Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required insurance from insurance companies acceptable to CDB.

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

Has a satisfactory record of integrity and business ethics.

Has the necessary organization, experience, accounting and operational controls, and technical skills.

Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Types of Profile Codes" means branches of knowledge or expertise of architectural or engineering practice that may be provided by firms and which are listed on CDB's A/E prequalification application.

Section 980.130 Prequalification Required

CDB shall prequalify A/E's as required by the Architectural Engineering and Land Surveying Qualifications Based Selection (QBS) Act [30 ILCS 535]. Firms must be prequalified prior to any submittal of qualifications or proposals for a project. Firms must also be prequalified for any selection for a project and associated contract exempt from the QBS Act. All Architects, Engineers and their architectural, engineering, or land surveying consultants shall be prequalified with CDB. Prequalification shall be based upon a determination of responsibility from, but not limited to, the information supplied on a properly completed CDB prequalification application.

Section 980.140 Special Projects

When CDB determines a construction project is so large or unique that a special A/E responsibility determination is warranted, CDB may set appropriate standards of acceptability different from those set out herein. Other

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provisions of this Part shall remain applicable.

Section 980.150 Confidentiality

Documents relating to responsibility determinations of an A/E shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the A/E to which they relate and to units of Federal, State, or local government, including but not limited to, law enforcement agencies. Nothing herein shall be construed to mean that CDB is required to disclose to the A/E the name of any person or organization filing a complaint or providing information to CDB when the complaint or information is used by CDB as the basis for further inquiry into the facts alleged. CDB may release to anyone the A/E prequalification status with CDB.

Section 980.160 Sources for Determining Responsibility

To determine an A/E's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, great consideration shall be given to the A/E's most recent projects and project with CDB.

- a) A/E prequalification application form.
- 1) A/E applications shall require at a minimum:
 - A) Completed application form;
 - B) The disclosure of the name of each key person associated with the firm, and their respective percentage of ownership;
 - C) Work experience and resumes relevant to the type of practice and profile codes requested, including resumes of all key personnel;
 - D) Copies of the individual licenses for sole ownership firms transacting business under the individual's real name and appropriate professional registration with the Department of Professional Regulation for all firms;
 - E) Certification of compliance with statutory requirements;
 - F) Evidence of insurability with an insurance company acceptable to CDB;
 - G) Work history reference checks. References provided may be verified and documented by the following methods:
 - i) Telephone reference checks; or
 - ii) Reference questionnaire; and
 - H) CDB work history, if CDB projects have been awarded.
- 2) Application updates
The A/E shall have an affirmative duty to update significant information within 10 days after occurrence. Significant changes, of which CDB shall be notified, include, but are not limited to:
 - A) Change of entity corporate structure including sole owners, partnerships, and federal employee identification number;

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- B) Change of name;
- C) Change of address;
- D) Change or loss of personnel in areas that may affect the types of professional practice or profile codes that may have been granted;
- E) Minority/Female owned firm status;
- F) Change or initiation of hearing in licensure or registration status with the Department of Professional Regulation.
- G) Loss of Secretary of State "good standing" status;
- H) Filing of bankruptcy;
- I) Filing of formal criminal charges against the firm or its officers, owners or employees;
- J) Suspension or decertification by another governmental agency; and
- K) Other sources of information.
- b) Satisfactory CDB work history.
CDB may review documentation of the A/E's current and past work and performance history, including adherence to CDB's rules, resolutions, and procedures. Such documentation includes, but is not limited to, performance evaluations prepared by CDB, user agencies, or contractors.
- c) Other governmental entities
CDB may conduct history reference checks by contacting Federal, State or local governmental entities.
- d) Other sources
CDB may conduct reference checks from any other source in order to determine responsibility which may include, but are not limited to:
 - 1) Financial institutions;
 - 2) Periodicals;
 - 3) Newspapers;
 - 4) Court records; and
 - 5) Court typographic record.
- e) Previous employment history
For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.
- f) Additional information
CDB may request additional information from the A/E at any time.

Section 980.170 Department of Professional Regulation Action

- a) Firms prequalified with CDB shall notify CDB in writing within 10 working days when the Department of Professional Regulation initiates proceedings to refuse to renew, suspend or revoke the registration or license of any individual or firm, or to impose any other disciplinary sanction.
- b) Upon notification, prequalification will be reviewed and appropriate action taken. If it is found that notice was not provided as

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required, CDB may take action under Subpart B.

Section 980.180 Prequalification of Firms and Office Locations

- a) Only legal entities permitted by law to practice architecture or engineering shall be prequalified, including any office location at which the firm provides architectural or engineering services.
- b) The A/E shall list all office locations that the prequalification shall include and indicate any assumed name for each office location if different from the parent office. These office locations may be business subsidiaries, divisions, branches, etc. that provide professional services under the responsibility of the managing agent for the A/E.
- c) Prequalification shall not be extended to another business location or entity of the A/E solely because of an ownership relationship.

Section 980.190 Types of Profile Codes

- a) The A/E shall indicate specific types of profile codes within their type of practice(s) in which the A/E has specific areas of knowledge, expertise, or experience on the application form. The applicant may indicate only those profile codes consistent with their licensed areas of practice.
- b) This information may be used by CDB in the selection of firms for projects exempt from the QBS Act. It does not relieve the firm from providing the same or additional information in the statement of qualifications submitted for a specific project. CDB may request additional information during the prequalification process to verify that the firm possesses the required knowledge, expertise or experience to be considered for work in any profile code. CDB may deny prequalification in a particular profile code during the prequalification process if the firm fails to demonstrate its knowledge, expertise or experience to CDB's satisfaction.
- c) Demonstration of knowledge, expertise or experience in a profile code may be required to be supported by licenses or certification issued by governmental agencies such as the Department of Public Health, Illinois Historic Preservation Agency, etc.
- d) CDB's decisions regarding the types of profile codes granted to an A/E shall not be subject to hearing procedures (Section 980.530). However, upon request of a firm, a conference to discuss the issue shall be held.

Section 980.200 Processing of Architect-Engineer Prequalification Application

- a) A/E's must complete a prequalification application.
- b) Processing of applications by CDB may require up to 45 days after receipt of all requested information and a completed application.
- c) Applications for renewal will ordinarily be sent to the A/E's 60 days

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before the expiration of current prequalification. A/E's who do not receive an application are responsible for contacting CDB prior to expiration to request an application.

- d) Applications may be sent to CDB by facsimile, provided that the original application is received by CDB within five business days.
- e) CDB shall review and evaluate each application received, which may include one or more of the following actions:

- 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided;
- 2) Contacting work references or any other possible sources of pertinent information;
- 3) Requesting additional information from the applicant;
- 4) Reviewing CDB A/E performance evaluations; and
- 5) Meeting with the applicant at the request of CDB or the applicant.

Section 980.210 Ineligibility

An A/E, whether or not previously determined to be responsible by CDB, may be ineligible to submit proposals on CDB projects under the following circumstances:

- a) The A/E fails to meet statutory or regulatory requirements other than those set out in this part.
- b) The A/E has inadequate relevant experience or resources to undertake CDB projects. In determining whether an A/E has adequate relevant experience, CDB will consider the size, type, number, and recency of past, private and public contracts of the firm, its predecessors, or key persons with the firm. However, size alone shall not be cause for denying prequalification.

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section 980.300 Actions Affecting Responsibility and Prequalification

At any time, CDB may consider whether an action is warranted concerning an A/E's prequalification. Actions that may be taken include one or more of the following:

- a) Interim or Emergency Suspension or Modification
CDB may summarily suspend or modify an A/E's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) Debarment
CDB may debar an A/E to exclude it from making submittals for CDB contracts as authorized by statute. The period of debarment shall be consistent with the statute.
- c) Modification of Prequalification
CDB may modify or limit an A/E's prequalification as appropriate,

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- including, but not limited to, one or more of the following:
- 1) Limiting the size or type of contracts for which an A/E may submit proposals for a specified period of time or until a current contract is substantially complete.
 - 2) Limiting the number of CDB contracts an A/E may enter into for a specified period of time, or until a current contract is substantially complete.
 - 3) Limiting the aggregate dollar amount of contracts the A/E may enter into with CDB.
 - 4) Imposing limits as set forth above pending performance on the A/E's next CDB contract(s) in instances where the A/E has no current CDB contract(s).
- d) Conditional Requalification (which may be otherwise limited) on CDB's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.
- e) Suspension
- CDB may suspend an A/E or disqualify an A/E temporarily from contracting with CDB, for a period of time up to one year. The A/E's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the A/E to CDB's action.

Section 980.310 Causes for Suspension, Modification of Requalification, and Conditional Requalification

CDB may determine an A/E is not responsible and suspend or otherwise modify or issue a conditional requalification based upon one or more of the following:

- a) Failure to satisfactorily perform work on CDB contract(s), private contract(s), or other governmental contract(s).
- b) Breach of the terms of a CDB contract(s), private contract(s), or other governmental contract(s). Breach of a CDB contract includes but is not limited to:
 - 1) Failure to submit required documents and drawings, including record drawings, according to the project schedule, causing a delay in the commencement, completion or close out of a project.
 - 2) Failure to adhere to quality standards of the applicable profession or required codes and standards for a particular type of project, including, but not limited to, the public health and safety as jeopardized by unsafe building.
 - 3) Failure to perform supervisory and observer functions as specified in the contract.
 - 4) Failure to notify CDB of problems with any projects, which failure results in time delays or an increase in cost of the project.
- c) Making false or misleading statements or failing to disclose or update significant information in connection with CDB procedures or documents, including but not limited to, the requalification

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- application.
- d) Violation of civil or criminal Federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment shall constitute adequate evidence for a determination of non-responsibility.
 - e) Financial instability which may be evidenced by bankruptcy, failure to timely pay consultants, difficulty in obtaining acceptable insurance, attempts to assign contract proceeds, or other indications of serious business management deficiencies.
 - f) Failure to understand, accept or utilize CDB procedures and standards, which results in the extraordinary expenditure of CDB resources.
 - g) Commission of embezzlement, theft, bribery, falsification or destruction of documents, making false statements, receiving stolen goods or other property, or conduct indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of an A/E.
 - h) Suspension, debarment, or limits on contracts by any other governmental body.
 - i) Failure to be properly licensed or registered with the Department of Professional Regulation (DPR), being the subject of disciplinary sanctions, by DPR, or the subject of initiation of proceedings by DPR to refuse to review, suspend or revoke the registration or license of the A/E, or to impose any other disciplinary sanction.
 - j) Any other cause of so serious or compelling a nature that it affects the present responsibility of an A/E.

Section 980.320 Nullification of Requalification

When CDB determines that an A/E has knowingly made a material misrepresentation in its application for requalification, the A/E may not reapply to CDB for a period of three years.

- a) When the A/E has not previously applied to CDB, or it failed to re-submit, the three year period shall begin on the date of the application.
- b) When the A/E is currently requalified, the three year period shall begin on the date requalification was granted.
- c) CDB will notify the A/E of the nullification of the A/E's requalification after notification of the nullification. Written explanation with supporting documentation shall be submitted to CDB's review.
- d) CDB may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.
- e) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, which causes CDB to act differently than it would have if it had known the undisclosed or true information.

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SUBPART C: APPLICATION OF CDB ACTION

Section 980.400 General

Suspension, debarment, nullification of prequalification, modification of prequalification, or issuance of conditional prequalification by CDB is applicable to an A/E's direct contracts with CDB and any consultant subcontracts on other contracts on CDB projects, unless CDB determines otherwise in writing.

Section 980.410 Violation of CDB Order

If an A/E is subject to a CDB order suspending or debarring the A/E, or nullifying or modifying prequalification, or making prequalification conditional, and the A/E violates the order in any manner including working as a subcontracted consultant on a CDB project, CDB may extend the term of suspension, debarment, nullification, modification or conditional prequalification, or otherwise limit or condition the ability to make submittals on contracts with CDB.

Section 980.420 Denial of Award of Contract

Notwithstanding any other provisions in this Part, if CDB finds an A/E non-responsible, CDB may deny the A/E the award of a contract.

Section 980.430 Debarment

Following a period of debarment, when an A/E submits a prequalification application to CDB, the application shall be deemed to be a first-time application rather than one for renewal.

Section 980.440 Reapplication for Prequalification

When an A/E submits a prequalification application to CDB during or following a period of debarment, suspension, nullification, modification of prequalification, or conditional prequalification, the A/E must affirmatively demonstrate its responsibility, including demonstrating that the reason for imposition of suspension, debarment, nullification, modification, or condition has been remedied.

Section 980.450 Extension of CDB Action

The effect of an action imposed under this Subpart by CDB may extend to all office locations of the A/E and to any firm in which the A/E or its key persons have a legal or beneficial interest.

Section 980.460 Effect on Current Contracts

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Current CDB contracts may be terminated when an A/E is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the A/E's prequalification.

Section 980.470 Basis of Decisions

a) CDB shall make determinations as appropriate concerning the substance of an A/E's business as opposed to its form and base its decisions on the substance. When an A/E attempts to evade the effects of a possible or actual finding of non-responsibility by changes of address, multiple addresses, changes in personnel or their titles, formation of new companies, or by other devices, CDB may take action pursuant to Section 980.300 and Subpart C of this Part.

b) A/E's who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible firm will be declared non-responsible unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

Section 980.480 Settlement

Notwithstanding any provision of this Part, the parties to any contested matter concerning an A/E's prequalification may at any time enter into an agreement to resolve responsibility issues by settlement.

SUBPART D: PROCEDURES

Section 980.500 Review

When information which places an A/E's responsibility in question comes to CDB's attention, CDB shall review the facts and documentation. If further inquiry is desirable, it may do such further inquiry, which may result in an informal conference with the A/E and its appropriate staff members with CDB.

Section 980.510 Notice of CDB Action

Unless proceedings under Section 3105/16 of the CDB Act [20 ILCS 3105/16] are justified, prior to suspending, conditioning, modifying or nullifying an A/E's prequalification or debarring an A/E, CDB will notify the A/E by certified mail of its intention to take such action, the basis of the action, and request that the A/E attend an informal conference with CDB personnel. The A/E may bring to the conference any documents, personnel, or other pertinent information that it wishes for CDB to consider. The A/E may bring its attorney to the conference, if desired. Within a reasonable time in advance of the conference, CDB shall furnish the A/E with all pertinent information in its possession, and shall advise the A/E in writing that it has the right to inspect its prequalification

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file. Further conferences may be scheduled by agreement of CDB and the A/E. The A/E's failure to appear at the conference shall be construed to indicate the A/E does not wish to contest the matter and rights to further administrative proceedings shall be forfeited.

Section 980.520 Executive Director

Following CDB's conference with the A/E, the conference committee shall forward a recommendation to the Executive Director. The A/E will be notified in writing of the Executive Director's decision. Within 15 days after receipt of the Executive Director's decision, the A/E may request the Executive Director to reconsider the decision, including a request for additional supporting evidence not previously submitted. CDB shall respond to the request for reconsideration within 15 days after CDB's receipt.

Section 980.530 Hearings

Within 30 days after the A/E's receipt of the Executive Director's decision, or the decision upon reconsideration if applicable, the A/E may request a hearing in writing. Hearings shall be conducted in accordance with Hearings Procedures, 71 Ill. Adm. Code 100.

Section 980.540 Burden of Proof

- a) Any determination pursuant to this Part may be made when CDB possesses documentation of one or more of the factors described in Sections 980.310, 980.320, or 980.410.
- b) Such documentation constitutes a presumptive determination of non-responsibility. The presumption may be rebutted through procedures described in this Subpart, but the presumption will not be overturned unless the A/E shows, by a preponderance of evidence, that each factor cited by CDB in support of its determination of non-responsibility is not present.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Qualification of Architects and Engineers

- 2) Code Citation: 44 Ill. Adm. Code 980

- | | |
|---------------------|------------------|
| 3) Section Numbers: | Proposed Action: |
| 980.110 | Repeal |
| 980.120 | Repeal |
| 980.130 | Repeal |
| 980.140 | Repeal |
| 980.150 | Repeal |
| 980.160 | Repeal |
| 980.170 | Repeal |
| 980.180 | Repeal |
| 980.190 | Repeal |

- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 1A-11 of that Act.

- 5) A Complete Description of the Subjects and Issues Involved: The Part being repealed will be replaced by new proposed rules published in the same issue of the Illinois Register.

- 6) Will this proposed repealer replace an emergency rule current in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporation by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed repealer does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
217/782-1392

- 12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporation affected: None

B) Retrotinal, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 980

PREQUALIFICATION OF ARCHITECTS AND ENGINEERS (REPEALED)

Section	
980.110	Prequalification Required
980.120	Application for Prequalification
980.130	Application for Joint Venture Prequalification
980.140	Term of Prequalification
980.150	Renewal of Prequalification
980.160	Notice to Board Required if Change in Key Person or Percentage of Ownership
980.170	Notice to Board Required if Registration is Suspended, Revoked, or Not Renewed
980.180	Suspension Procedures
980.190	Severability

AUTHORITY: Implementing the Capital Development Board Act and authorized by Section 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, pars. 771 et seq. and 783.11).

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20317, effective October 1, 1984; amended at 9 Ill. Reg. 17329, effective October 29, 1985; amended at 12 Ill. Reg. 20446, effective November 29, 1988; repeated at 21 Ill. Reg. _____, effective _____.

Section 980.110 Prequalification Required

Architects and engineers shall be prequalified to determine their responsibility prior to entering into a contractual relationship with the Capital Development Board (Board). All architects, engineers or consultants who perform work by contract or otherwise for the architects and engineers under contract to the Board shall also be prequalified with the Board. The determination of prequalification of applicants shall be based, among other considerations, on information supplied to the Board in response to questions submitted to the applicant. The Board shall verify relevant information with the Illinois Department of Professional Regulation and the Secretary of State.

(Source: Amended at 12 Ill. Reg. 20446, effective November 29, 1988)

Section 980.120 Application for Prequalification

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- a) Application for prequalification shall be submitted on forms approved by the Board.
- b) The application for prequalification shall include the following:
 - 1) A disclosure of the name of each Key Person associated with the firm.
 - 2) The percentage of ownership in the firm of each Key Person who is an owner.
 - 3) All applications shall be signed and sworn to by the architectural or engineering firm filing such application.
 - 4) A "Certificate of Authority" to transact business in this State issued by the Secretary of State when a firm is a foreign corporation, shall be submitted.
- c) Applications shall satisfy the criteria established for its profession by the Illinois Architecture Act (Ill. Rev. Stat. 1983, ch. 111, par. 1201 et seq.).

(Source: Amended at 8 Ill. Reg. 20317, effective October 1, 1984)

Section 980.130 Application for Joint Venture Prequalification

- a) A joint venture application for prequalification shall be submitted on forms approved by the Board. If all members of the joint venture are already prequalified, a letter stating that the information on file with the Board is current will be sufficient. In addition to the prequalification form or letter, the joint venture shall submit a copy of the joint venture agreement to the Secretary of State. The identified name established by the joint venture. Employers shall be identified by the joint venture.
- b) The joint venture application for prequalification shall include the following:
 - 1) A disclosure of the name of each Key Person associated with the firm involved in the joint venture.
 - 2) The percentage of ownership in the firm of each Key Person who is an owner involved in the joint venture.
 - 3) All applications shall be signed and sworn to by the architectural or engineering firms filing such application for joint venture prequalification.
 - 4) A "Certificate of Authority" to transact business in this State issued by the Secretary of State, for any member of a joint venture which is a foreign corporation.
- c) At least one member of the joint venture must be individually prequalified by the Board.
- d) All members in the joint venture must satisfy the criteria established by the Illinois Architecture Act (Ill. Rev. Stat. 1983, ch. 111, par. 1201 et seq.).

(Source: Amended at 8 Ill. Reg. 20317, effective October 1, 1984)

Section 980.140 Term of Prequalification

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Initial prequalification made by application and submission of the required data shall remain in effect for a period of one year from the last day of the month in which all prequalification data is received.

(Source: Amended at 8 Ill. Reg. 20317, effective October 1, 1984)

Section 980.150 Renewal of Prequalification

Application for renewal of prequalification shall be accomplished by submitting the required data and application no more than thirty (30) days prior to the expiration of the current term of prequalification and renewal of the prequalification shall be effective for one year from the expiration of the previous term of prequalification. Any application for prequalification submitted after the expiration of a previous term of prequalification will be considered under Section 980.140 for the term of prequalification.

(Source: Amended at 8 Ill. Reg. 20317, effective October 1, 1984)

Section 980.160 Notice to Board Required if Change in Key Person or Percentage of Ownership

Prequalified architects and engineers shall notify the Board within ten (10) days of any changes in Key Person or percentage ownership of such firms.

(Source: Amended at 8 Ill. Reg. 20317, effective October 1, 1984)

Section 980.170 Notice to Board Required if Registration is Suspended, Revoked, or Not Renewed

If the Department of Registration and Education refuses to renew, suspends or revokes the registration of any individual, firm or corporation so that such individual or entity is no longer licensed to practice architecture or engineering in this State, such individual or entity shall notify the Board of such refusal to renew, suspension or revocation within ten days.

(Source: Added at 8 Ill. Reg. 20317, effective October 1, 1984)

Section 980.180 Suspension Procedures

- a) When an architect or engineer fails to adhere to any Rules or procedures of the Board or acts in an irresponsible manner on a Board project, and such acts or omissions jeopardize the interests of the State of Illinois in responsible solicitation, execution and administration of public contracts, proceeding to suspend the architect or engineer shall be initiated by the Board. Suspension proceedings shall be conducted according to the requirements of 71 Ill. Adm. Code 100. Suspension shall be for a period not in excess of one (1) year.

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- b) Conduct which constitutes acting in an irresponsible manner or which jeopardizes the interests of the People of the State of Illinois in responsible solicitation, execution and administration of public contracts includes, but is not limited to:
- 1) failure to submit required documents and drawings according to the project schedule, thereby causing a delay in the commencement or completion of the project;
 - 2) failure to adhere to quality standards of the architecture or engineering profession or required codes and standards for a particular type of construction so that the public health and safety is jeopardized by unsafe buildings;
 - 3) failure to perform supervisory and observer functions called for in construction contracts;
 - 4) failure to notify the Capital Development Board of problems with a Board project which failure results in time delays or increased cost of the project.

(Source: Amended at 9 Ill. Reg. 17399, effective October 29, 1985)

Section 980.190 Severability

If any Section, sentence or clause of this Part is for any reason held invalid or unconstitutional, the validity of the remaining portions of this Section shall not be affected.

(Source: Added at 8 Ill. Reg. 20317, effective October 1, 1984)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procurement Practices
- 2) Code Citation: 44 Ill. Adm. Code 910
- 3) Section Numbers:
910.130 Repeal
910.140 Repeal
910.160 Repeal
- 4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Sections 9.06, 16 and 1A-11 of that Act, Section 6 of the Illinois Purchasing Act (30 ILCS 505/6) and Section 20 of the Architectural, Engineering, and Land Surveying, Qualifications Based Selection Act (30 ILCS 535/20).
- 5) Complete Description of the Subjects and Issues Involved: Sections 910.130 and 910.140 are being repealed and will be replaced in the existing rules providing for prequalification and suspension of architects and engineers. Section 910.160 is being repealed because it is superfluous and has no legal effect.
- 6) Will this proposed rule replace an emergency rule current in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or amend any Statewide Mandates as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
Telephone: 217/782-1392

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporation affected: None

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B) Reverting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed amendment begins on the next page:

CAPITAL DEVELOPMENT BOARD
NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 910

PROCUREMENT PRACTICES

Section

Purchasing Act

910.110 Contracts

910.120 Requalification (Repealed)

910.130 Supervision (Repealed)

910.140 Use of Department of Central Management Services

910.150 Severability (Repealed)

AUTHORITY: Implementing and authorized by Sections 9.06 and 16 of the Capital Development Board Act (20 ILCS 3105/9.06 and 16) and authorized by Sections 5 and 6 of the Illinois Purchasing Act (30 ILCS 505/5 and 6).

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20324, effective October 1, 1984; amended at 9 Ill. Reg. 17332, effective October 29, 1985; amended at 12 Ill. Reg. 9864, effective May 27, 1988; amended at 13 Ill. Reg. 8403, effective May 22, 1989; amended at 21 Ill. Reg. _____, effective _____.

Section 910.130 Requalification (Repealed)

a) All contractors, architects, engineers, insurance companies and surety companies who desire to do business with the Board must be prequalified in accordance with the Rules of the Board. Matters relating to prequalification of contractors are found in Part 950 of this Title. (44 Ill. Adm. Code 950) Matters relating to prequalification of architects and engineers are found in Part 980 of this Title. (44 Ill. Adm. Code 980) Matters relating to insurance and surety companies are found in Part 1050 of this Title. (44 Ill. Adm. Code 1050)

b) If any contractor, architect, engineer, insurance company or surety company knowingly makes a material misrepresentation in its application for prequalification, such entity shall not be allowed to seek prequalification for a period of three years from the date of the submission of the misrepresentation. In the event the Board shall issue a prequalification in error because of a material misrepresentation by the applicant, such prequalification shall be null and void, and the Board may cancel any contract awarded based upon the misrepresentation.

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- 1) A material misrepresentation is made by knowingly submitting any untrue, misleading, or deceptive information or document containing such information or by the concealment, suppression or omission of any information in or from a prequalification application which causes the Board to set differently than it would have if it had known the undisclosed or true information.
- 2) A prequalification based in error because of a material error or misrepresentation was issued by the Board with the party of the nullity of the prequalification. The party may submit an explanation of the documentation regarding the misrepresentation for the Board's review.
- 3) In determining whether to cancel contracts awarded upon a misrepresentation, the Board will consider factors such as including but not limited to whether the misrepresentation has been corrected, the relationship of the misrepresentation to the contracts, and the extent to which information was misrepresented.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 910.140 Suspension (Repealed)

- a) The prequalification of any contractor, architect or engineer may be suspended for not more than one year for violations of the Rules and Regulations of any State agency adopted in pursuance of Section 5 of the Illinois Purchasing Act (111. Rev. Stat. 1907, ch. 127, par. 132.5) or for failure to conform to specifications or terms of delivery, insurance and surety companies may be suspended for not more than one year based upon failure to perform or adhere to the obligations under their policy or bond. Suspensions shall be imposed only when the suspension procedures set forth in 71 Ill. Adm. Code 149 have been complied with.
- b) Prequalification shall be suspended only when a violation of relevant laws or administrative rules as outlined in Section 910.141 of the Illinois Administrative Code (65 Ill. Adm. Code 960.100) has been found. The prequalification shall be suspended only when the Capital Development Board has determined that the contractor, architect or engineer has violated the Rules and Regulations of the Capital Development Board.
- c) A prequalified entity which does not admit to charges made against it in a suspension proceeding initiated under 71 Ill. Adm. Code 149 but which does not wish to contest the charges shall be permitted to voluntarily agree to suspension of its prequalification for a time certain not to exceed one year. The agreement shall be in writing signed by all parties. The signing of such an agreement shall operate as a dismissal of the pending suspension proceeding.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 910.160 Severability (Repealed)

If any section, sentence or clause of this Part is for any reason held invalid or unconstitutional, the validity of the remaining portions of this Part shall not be affected.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Selection of Architects/Engineers (A/E)

2) Code Citation: 44 Ill. Adm. Code 1000

3) Section Numbers: Proposed Action:

1000.10 Repeal

1000.12 Repeal

1000.130 Repeal

4) Statutory Authority: Implementing the Capital Development Board Act [20 ICS 3105] and authorized by Sections 3105/9.06, 16 and 1A-11 of that Act, Section 6 of the Illinois Purchasing Act [30 ICS 505/6] and Section 20 of the Architectural, Engineering, and Land Surveying, Qualifications Based Selection Act [30 ICS 535/20].

5) Complete Description of the Subjects and Issues Involved: The Part being repealed will be replaced by new proposed rules published in the same issue of the Illinois Register.

6) Will this Proposed Repealer replace an emergency rule current in effect: No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this Proposed Repealer contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed repealer does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ICS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this Proposed Rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
Telephone: 217/782-1392

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

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B) Regulatory bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed repealer begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED REPEAL

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 1000

SELECTION OF ARCHITECTS/ENGINEERS (A/E) (REPEALED)

Section	Elementary and Secondary School and Local Government Construction Projects
1000.110	State Board of Higher Education Projects
1000.120	State Agency Projects
1000.130	

AUTHORITY: Implementing the Capital Development Board Act and authorized by Section 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, par. 783.11).

SOURCE: Adopted at 2 Ill. Reg. 30, P. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, P. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; repealed at 21 Ill. Reg. _____, effective _____.

Section 1000.110 Elementary and Secondary School and Local Government Construction Projects

- a) The Capital Development Board (Board) will provide the user (school district or unit of local government) with a copy of this Part at the time a viable project is recognized through entitlement by the State Board of Education or appropriated by the General Assembly, or initiated under the program and such as but not limited to:
 - 1) The Board of Education (Ill. Rev. Stat. 1987, ch. 127, par. 2770-1 et seq.); and
 - 2) The Board of Education (Ill. Rev. Stat. 1987, ch. 122, pars. 1401 et seq.).
- b) At such time as the need is determined for the selection of an Architecture/Engineering (A/E) firm, the user will submit to the Board in writing a list of three A/E firms prequalified with the Board and acceptable to the user. This transmittal should describe any past experience with the firms.
- c) The Director of Construction will assign five staff professionals to a committee to evaluate the prequalification files of the firms submitted by the user. The committee may add up to three additional firms to the list. Additional firms may be added to the list submitted by the user in appropriate circumstances, such as:
 - 1) poor performance of a suggested firm on other Board projects;
 - 2) lack of prequalification of a suggested firm; or
 - 3) lack of expertise of a suggested firm for specific project (i.e.

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has the firm previously developed a project that is of a similar type and magnitude to the proposed project or does the firm have members trained in disciplines relevant to the proposed project).

d) If the committee recommends acceptance of one of the user's suggested firms, a report indicating the committee's action shall be transmitted to the Director of Construction.

e) The Director of Construction will review and approve the Committee Report. When approved, the Director of Construction will forward the report to the Executive Director who may add or delete firms from the list, employing the standards set forth in subsection (c) above.

f) If the A/E firm is deemed necessary by the Board, the staff professional in conjunction with the staff professional will schedule and conduct such interviews, giving 14 days notice to all parties, including time, date, location and interview criteria. The A/E evaluation team will consist of four members; two members will be representatives of the user who are authorized to act in its behalf and two members will be staff professionals. The interviews will be held in the Board's office. Prior to the interviews, the staff professionals will conduct an orientation to assure a thorough understanding by all members of the A/E evaluation team of the interview procedures. Interviews would be deemed necessary by the Board if the committee of staff professionals appointed pursuant to subsection (c) above believes additional information is needed in order to make a determination regarding the selection of a firm.

g) Immediately upon completion of the prequalification review and/or interviews, the A/E evaluation team will review and distribute to each team member the evaluations for each A/E firm. The staff professionals will summarize the evaluations for each A/E firm and submit them by memorandum to the Director of Construction. The following criteria shall be used to evaluate the A/E firms:

- 1) Simple site adaptation by original A/E.
- 2) Extensive site adaptation by original A/E.
- 3) Site adaptation by new A/E.
- 4) Additional planned project phase by same A/E.
- 5) Additional work in building by same A/E.
- 6) Additional work in institution by same A/E.
- 7) Previous work on similar project by firm.
- 8) Previous work on similar project by staff or firm.
- 9) Previous satisfactory performance for CDB.
- 10) Appropriate technical disciplines on staff.
- 11) Previous satisfactory performance for private owners.
- 12) Size of firm in relationship to project.
- 13) Proximity to site.
- 14) Firm's workload relative to project schedule.
- 15) Minority firm.
- 16) New firm.
- 17) User recommendation.
- 18) Quality of Presentation (when interviews are conducted).

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- d) The Director of Construction will review the recommendation with the Executive Director. If the Executive Director concurs with the recommendation the matter will be sent to the Board for its approval. If the Executive Director disagrees he may send the recommendation back to the committee for reconsideration.
- e) The recommendation of the committee shall be presented to the Board at its next regularly scheduled meeting. The Board shall accept or reject the committee's recommendation based on the factors set forth in Sections 1000.10(c) and (g) of this Part.
- f) The Executive Director may refer the State agency of the Board's findings should the State agency disagree with the Board's selection, it will be given thirty days to respond. If unable to agree with the Board staff on the selection, the State agency shall be given notice of the Board meeting at which the recommendation will be made. The State agency shall be given an opportunity to discuss at such Board meeting the recommended selection.

(Source: Amended at 12 Ill. Reg. 17815, effective October 25, 1988)

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

- 1) **Heading of the Part:** Selection of Architects/Engineers (A/E)
- 2) **Code Citation:** 44 Ill. Adm. Code 1000
- 3) **Section Numbers:**
 1000.100 New
 1000.110 New
 1000.120 New
 1000.130 New
 1000.140 New
 1000.150 New
 1000.160 New
 1000.170 New
 1000.180 New
 1000.190 New
 1000.200 New
 1000.210 New
- Proposed Action:**
 New
 New
 New
 New
 New
 New
 New
 New
 New
 New
 New
- 4) **Statutory Authority:** Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06, 16 and 18-11 of that Act, Section 6 of the Illinois Purchasing Act [30 ILCS 505/6] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].
- 5) **A. Complete Description of the Subjects and Issues Involved:** The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (QBS Act) states requirements for architect and engineer (A/E) selection, and was effective January 1, 1992. CDB changed its procedures to comply and is proposing this rule to reflect those procedures.
- 6) **Will this proposed rule replace an emergency rule current in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Does this proposed rule contain incorporation by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** No
- 10) **Statement of Statewide Policy Objectives:** This proposed rule does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** From the date that this notice first appears in the *Illinois Register*, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

Claire Gibson, Legal Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, IL 62706
217/782-1392

12) Initial Regulatory Flexibility Analysis:

- A) Times of small businesses, small municipalities and not for profit corporation affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996
- The full text of the proposed rule begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 1000

SELECTION OF ARCHITECTS/ENGINEERS (A/E)

Section	Definitions
1000.100	Purpose
1000.110	Selection Committees
1000.120	Qualification Procedures
1000.130	Professional Evaluations
1000.140	Interviews
1000.150	Delegation of Evaluations
1000.160	Public Notice
1000.170	Submittal Requirements
1000.180	Small Projects
1000.190	Emergency Projects
1000.200	
1000.210	

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9-06, 16 and 1A-11 of that Act, Section 6 of the Illinois Purchasing Act [30 ILCS 505/6] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; Part repealed, new Part adopted at 21 Ill. Reg. _____, effective _____.

Section 1000.100 Definitions

"A/E" means an architectural or engineering firm that is in the business of offering the practice or furnishing of architectural or engineering services for building projects, which is registered with the Department of Professional Regulation and licensed to practice architecture, structural engineering or professional engineering in Illinois, or which is a subsidiary or branch of such a firm, established under the Professional Service Corporation Act and by the Department of Professional Regulation to practice architecture, structural engineering or professional engineering in the State of Illinois. For purposes herein, this includes licensed individuals transacting business as sole proprietorships, which are not required to be

CAPITAL DEVELOPMENT BOARD
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registered with the Department of Professional Regulation.

"Board" means the seven member Board of the Capital Development Board.

"CDB" means Capital Development Board, the agency.

"Statement of Qualifications" means the information supplied by the A/E's that cites their specific experience and expertise that may qualify the A/E to provide the services requested.

"User agency" means the agency or unit of government for which the architect/engineer firm is being selected.

Section 1000.110 Purpose

CDB shall procure architectural, engineering, and land surveying services in compliance with the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535].

Section 1000.120 Selection Procedures

CDB shall select three A/E's qualified to provide the professional services for a specific project. These A/E's shall be ranked in order of qualifications. Board approval of these A/E's shall be final and binding.

In the event that fewer than three A/E's submit statement of qualifications for the specific project, if CDB determines that one or both are qualified to perform the services, CDB may proceed with the selection process.

Section 1000.130 Selection Committee

The selection committee chairman shall appoint a committee to recommend to the Executive Director and the Board, a list of A/E's qualified to perform the required services. This committee may be established for each selection and may be composed of standing members and rotating members from CDB staff. In addition to the CDB staff members, a representative from the using agency may be requested to be a member of the committee.

Section 1000.140 Evaluation Procedures

- a) In making its recommendations, the selection committee may consider, among other things:
 - 1) The A/E's qualifications.
 - 2) The ability of professional personnel submitted by the A/E's.
 - 3) The A/E's past record and experience.
 - 4) The prior performance of the A/E on CDB professional services agreements.
 - 5) The willingness of the firm to meet time requirements.

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- 6) The location of the project relative to the firm's place of business.

- 7) The results of preliminary evaluations performed by CDB staff.

- 8) The current work load of the A/E's and their prior selections by CDB.

- 9) References.

- 10) Interviews conducted with the A/E's.

- b) In no case shall the committee, prior to selecting an A/E for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

Section 1000.150 Preliminary Evaluations

CDB may appoint staff members to perform a preliminary evaluation (prescreening) to provide a preliminary ranking of the A/E's for the committee's consideration. This prescreening shall consider, among others, the relevant project experience of the prospective A/E's and the expertise and experience of the firm and its consultants' staff to be assigned to the project if the firm is selected.

Section 1000.160 Interviews

CDB requires the selection committee to conduct interviews when the value of the contract exceeds \$25,000. The selection committee may choose to conduct interviews on smaller projects under special circumstances. In all cases, a minimum of three firms will be interviewed.

Section 1000.170 Delegation of Evaluations

CDB may delegate the evaluation of prospective A/E's to the using agency (school district, college, university, Illinois Community College Board or unit of local government). The using agency shall be required to comply with the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535] or the Local Government Professional Services Selection Act [50 ILCS 510] as may be applicable. CDB or the user may request that a member of their staff be a voting or nonvoting member of the using agency's evaluation committee. The using agency shall transmit its recommendations to CDB for review and approval of the Board. CDB may request the using agency make other recommendations if the firm(s) recommended are not acceptable to CDB.

Section 1000.180 Public Notice

- a) When the services of an A/E are required and the estimated value of the contract exceeds \$25,000, CDB shall publish the list of projects requiring A/E services. In addition, CDB may publish a list of projects whose contract values do not exceed \$25,000.
- b) This public notice shall include an abstract of the services required

CAPITAL DEVELOPMENT BOARD
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for each project and the required expertise of the A/E to be considered. This public notice shall also include the statement of qualifications form to be completed for each project as well as the date and time by which submittal of the statement of qualifications will be accepted.

Section 1000.190 Submittal Requirements

- a) All A/E's submitting statements of qualifications for a specific project shall be prequalified with CDB prior to the date and time that the submittal(s) is made. Failure to be prequalified will result in rejection of the submittal(s).
- b) If the A/E will be subcontracting part of the services to consultants, or land surveying professional services shall also be prequalified with CDB prior to the date and time that the submittals are due. Failure of the professional consultants to be prequalified shall result in rejection of the A/E's submittals.
- c) The A/E shall clearly indicate the anticipated percentage of the services that will be performed by each listed consultant. Failure to list these percentages may result in rejection of the submittal.
- d) The submittal shall include the names of persons who will perform the services, including their project assignment or duties, as well as a resume of their experience and expertise that qualifies them to perform the assignment. This includes the listed consultant's designated staff.

Section 1000.200 Small Projects

For contracts whose estimated value is less than \$25,000 and not covered by the Architectural, Engineering and Land Surveying Qualification Based Selection Act (30 ILCS 535), CDB may select any prequalified A/E.

Section 1000.210 Emergency Projects

CDB may immediately select an A/E when it is in the best interest of the State or in emergencies to protect public health or safety in accordance with Section 50 of the Architectural, Engineering, and Land Surveying Qualification Based Selection Act (30 ILCS 535/50).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
 - 2) Code Citation: 80 Ill. Adm. Code 310
 - 3) Section Numbers: 310.Appendix D
310.Appendix G
Proposed Action: Amended
 - 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code (20 ILCS 415/8 and 8a).
 - 5) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendices D and G, separate salary schedules are being established for the Merit Compensation and Broad-Banded employees whose alternative retirement formula rates were not changed for Fiscal Year 1998. The schedules will reflect a 3% increase to the maximum salaries.
 - 6) Will this proposed rule replace an emergency rule currently in effect?
Yes
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Do these proposed amendments contain any incorporations by reference? No
 - 9) Are there any proposed amendments pending to this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|-----------------------------------|
| 310.110 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.130 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.290 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.450 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.530 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.540 | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.Appendix B | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.Appendix C | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.Appendix D | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
| 310.Appendix G | Amended | 21 Ill. Reg. 9923 (July 21, 1997) |
- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
 - 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Mr. Michael Murphy

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Central Management Services
 Division of Technical Services
 Statewide Office, Stratton Building
 Springfield, IL 62706
 (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: They were not known at the time.

The full text of the Proposed Amendment is identical to the Emergency Amendment published on page 12805 of the Illinois Register:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Numbers:
 Proposed Action:
 590.10 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (520 ICS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- 5) A Complete Description of the Subjects and Issues Involved: Section 590.10 is being amended to delete snow geese and blue geese hunting in areas of Alexander and Union Counties. These geese are common in areas of Alexander and Union Counties. However, snow and blue geese were uncommon in Illinois, but their population is now in excess of 100,000 on Horseshoe Lake Fish and Wildlife Area and the Union County Waterfowl Refuge. A change in harvesting procedures on the two State areas will provide feed for Canada Geese while allowing the economical and recreational benefits of hunting the late arriving blue and snow geese. Section 590.80(e) is being amended to correct an error involving Mississippi River Pool 23. This Pool was incorrectly identified and is being changed to Mississippi River Pool 24.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701-1787
 217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses, small municipalities or not for profit corporations.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of Professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section	Statewide Regulations
590.10	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites
590.20	Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites
590.40	Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60	Various Other Department Sites - Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites

EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ICS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 9, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 13424, effective August 19, 1987, for a maximum of 150 days; emergency expired July 31, 1988; amended at 12 Ill. Reg. 13200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency

DEPARTMENT OF NATURAL RESOURCES

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expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency amended May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13233, effective November 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective September 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 15729, effective July 26, 1992; emergency amendment at 16 Ill. Reg. 15672, effective October 15, 1992; amended at 16 Ill. Reg. 15673, effective March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; reclassified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 576, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 14, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (320 ILCS 5/2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) collectively referred to in this Part as federal regulations (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal take shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal

DEPARTMENT OF NATURAL RESOURCES

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- Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.
 - e) Emergency Closure
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus (Duck Virus Infection).
 - f) Closed areas
Closed areas, including waterfowl refuges and roost areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.
 - g) Commercial Migratory Waterfowl Hunting Area Permits
1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports will be required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than one goose is occupied or attempted to take wild geese from any blind or pit at the same time during the same season.
3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
 - h) Waterfowl Hunting Zones:
1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
2) Northern Illinois Quota Zone - Dupage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
3) Central Zone - That portion of the State south of the northern zone boundary to the Moccasin River and east of the Mississippi River and west of the Moccasin River, south of the Moccasin River to St. Leo's Road to Illinois Route 3, then east to Illinois Route 161, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County

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line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

- 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Pope, Putnam, Randolph, Shelby, St. Clair, Stoddard, Union, Van Buren, Washington, Wayne, and Will counties, well above those portions of LaSalle, Grundy, and Will counties south of I-80.
- 5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.
- 6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.
- 7) Rend Lake and Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
- 8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kane, Kane, Kendall, Lake, McHenry and Will.
- 9) Jackson County's Quota Zone - Alexander, Union, Williamson, and Jackson Counties.
- 1) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 P.M. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily.
- 3) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.
- k) The following apply in the Northern and Central Illinois Quota Zones:
 - 1) No person shall hunt Canada geese during seasons starting on September 15 without having obtained a valid State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
 - 2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the permit to Hunt to indicate the date of kill (one date for each goose harvested).
 - 3) Hunters must report their kill within 24 hours by calling 1-800-MERLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

DEPARTMENT OF NATURAL RESOURCES

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- 1) During any goose seasons that occur after the close of the Canada goose season the following areas within Union and Alexander Counties are added to goose hunting:
 - a) During any goose seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:
 - 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
 - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or stacked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an asterisk (*).

- 2) Union County--that area encompassed by a line beginning at the intersection of the Union-Alexander County line and State Route 127 and extending westerly along the Union County-Alexander County line to Mississippi River--Bevee Road--northerly along the Mississippi River--Bevee Road--to Dan Road--easterly along Dan Road to State Route 146--easterly along State Route 146 to State Route 127--southerly along State Route 127--to the Union County-Alexander County line.

Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:
 - 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
 - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or stacked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an asterisk (*).

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- 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
- 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
- 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
- b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area #

Cache River Natural Area *

Carlisle Lake Project Lands and Water *

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area *

Fort de Chartres Historic Site

Kaskaskia River State Fish and Wildlife Area (between the Highway 13 and Highway 154 bridges) *

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except lands and waters covered in Section 590.60(b)(18))

Marshall Fish and Wildlife Area *

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) #

Mississippi River Pools 16, 17 and 18 #

Oakford Conservation Area

Bend Lake Project Lands and Waters #

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Saline County Conservation Area *

Sanganois State Fish and Wildlife Area * #

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Spartan Fish and Wildlife Area #

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Woodford Fish and Wildlife Area *

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) * #

Horseshoe Lake Fish and Wildlife Area (Controlled Hunting Area and Public Hunting Areas)

Horseshoe Lake State Park (Madison County) #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit)

Ray Norbut State Fish and Wildlife Area *

Rice Lake (closed after regular duck season) * #

Union County Fish and Wildlife Area (Firing Line Management Area and Controlled Hunting Area)

- d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh * #

Braidwood State Fish and Wildlife Area *

Clinton Lake

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Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue Fish and Wildlife Area *

Lake Simmsissippi Fish and Wildlife Area

Pekin Lake Fish and Wildlife Area

Sangchris Lake State Park *

Spring Lake Fish and Wildlife Area *

Starved Rock State Park *

e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

Mississippi River Pools 21, 22 and 24 #3 @

Stephen A. Forbes State Park *

Snake Den Hollow * @

William W. Powers Conservation Area

f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

Mercedosa Lake (Cass County portion only, meandering waters only)

Mernet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

(Source: Amended at 21 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Residential Mortgage License Act of 19872) Code Citations: 38 Ill. Adm. Code 10503) Section Number: Proposed Action:
1050.180 New Section4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

5) A complete description of the subjects and issues involved: Public Act 90-301, effective August 1, 1997, amended Section 2-4 of the Residential Mortgage Act of 1987. New Section 2-4(v) of the Act now requires a licensee to advise the Commissioner in writing within 30 days when the licensee requires another licensee to repurchase a loan. New Section 2-4(x) of the Act requires a licensee to advise the Commissioner in writing within 30 days when that licensee is asked by another licensee to repurchase a loan. The intent of these statutory provisions is to make the Commissioner aware of loan repurchase activity, which often serves as an indicator that a licensee is experiencing problems with underwriting standards, fraud, or loan originators. The Commission has the meaning of "repurchase loan" to specify for licensees what should be reported to the Commissioner.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending to this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

John Arthur, Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, IL 62701
(217) 782-3000

The Agency will consider all written comments it receives in writing within 45 days of the date of publication of this *Illinois Register*.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Licensees under the Residential Mortgage License Act of 1987.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The statutory provisions giving rise to the proposed rulemaking were enacted in August 1997, which was after the most recent regulatory agenda was required to be submitted.

The full text of the Proposed Amendments begins on the next page:

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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1050
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Commissioner
1050.130	Control
1050.135	Document
1050.140	Employee
1050.145	First Tier Subsidiary
1050.150	Hearing Officer
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.180	Refinance a Loan
1050.185	State

SUBPART B: FEES

Section	
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees - Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

SUBPART C: LICENSING

Section	
1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office

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SUBPART D: OPERATIONS AND SUPERVISION

Section	
1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section	
1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

SUBPART F: FORECLOSURE RATE

Section	
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority - Unusually High Rate

SUBPART G: SERVICING

Section	
1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

SUBPART H: ADVERTISING

Section	
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NOTICE OF PROPOSED AMENDMENT(S)

1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

Section	
1050.1010	Loan Brokerage Agreement
1050.1020	Loan Brokerage Disclosure Statement
1050.1030	Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section	
1050.1110	Borrower Information Document
1050.1120	Description of Required Documentation
1050.1130	Maintenance of Records (Repealed)
1050.1140	Loan Application Procedures
1050.1150	Loan Origination Documents
1050.1160	Confirmation of Statements
1050.1170	Cancellation of Application
1050.1175	Maintenance of Records

SUBPART K: GENERAL LENDING PRACTICES

Section	
1050.1210	Notice to Joint Borrowers
1050.1220	Inaccuracy of Disclosed Information
1050.1230	Changes Affecting Loans in Process
1050.1240	Prohibition of Unauthorized Lenders
1050.1250	Good Faith Requirements

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section	
1050.1305	Approval Notice
1050.1310	Consistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges
1050.1340	Refunds on Failure to Close
1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws
1050.1355	Failure to Close - Disclosure

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1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section
1050.1410 General
1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section
1050.1510 Applicability
1050.1520 Definitions
1050.1530 Filing of Documents
1050.1540 Form of Documents
1050.1550 Completion of Time
1050.1560 Continuances
1050.1570 Hearings
1050.1580 Request for Hearing
1050.1590 Notice of Hearing
1050.1600 Service of the Notice of Hearing
1050.1610 Bill of Particulars or Motion for More Definite Statement
1050.1620 Motion and Answer
1050.1630 Consolidation and Severance of Matters - Additional Parties
1050.1640 Intervention
1050.1650 Postponement or Continuance of Hearing
1050.1660 Authority of Hearing Officer
1050.1670 Bias or Disqualification of Hearing Officer
1050.1680 Prehearing Conferences
1050.1690 Discovery
1050.1700 Subpoenas
1050.1710 Conduct of Hearing
1050.1720 Default
1050.1730 Evidence
1050.1740 Hostile Witnesses
1050.1750 Record of Proceedings
1050.1760 Briefs
1050.1770 Hearing Officer's Recommendation
1050.1780 Order of the Commissioner
1050.1790 Rehearings and Reopening of Hearings
1050.1800 Costs of Hearing

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 (205 ILCS 635).

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17993, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg.

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3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 9683, and new Part adopted at 12 Ill. Reg. 9685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 10, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 70706, effective October 26, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; amended at 16 Ill. Reg. 2915, effective February 10, 1992; amended at 17 Ill. Reg. 1863, effective June 23, 1992; amended at 18 Ill. Reg. 1269, effective August 1, 1992; amended at 19 Ill. Reg. 1269, effective December 9, 1992; amended at 20 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Reg. 450 (Commissioner of Savings and Loan Associations) to Chapter VII, 38 Ill. Reg. 450 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 1050.180 Repurchase a Loan

- a) "Repurchase a loan" as used in Section 2-4(w) of the Act shall mean those instances where:
- 1) the licensor demanded that another licensee repurchase a loan and the licensor scheduled loan payment has not been received by the licensee making the demand; or
 - 2) the licensee has demanded that another licensee repurchase a loan as a result of the determination, after reasonable investigation, by the licensee making the demand, that materially false representations, documentation or information may have been provided to any person in connection with the origination or transfer of the loan.
- b) "Repurchase a loan" as used in Section 2-4(x) of the Act shall mean those instances where:
- 1) the licensee has received a demand that such licensee repurchase a loan and the first scheduled loan payment has not been received by the person making the demand; or
 - 2) the licensee has received a demand that such licensee repurchase a loan as a result of the determination, after reasonable investigation, by the person making the demand, that materially false representations, documentation or information may have been provided to any person in connection with the origination or transfer of the loan.

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(Source: Added at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Major Stationary Sources Construction and Modification
- 2) Code Citation: 35 Ill. Adm. Code 203
- 3) Section Number: Action:
203.206 Amend
203.207 Amend
203.301 Amend
- 4) Statutory Authority: 415 ILCS 5/27 and 28.5
- 5) A Complete Description of the Subjects and Issues Involved: On September 2, 1997, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking to amend 35 Ill. Adm. Code 203, the "New Source Review (NSR) rules." This rulemaking proposes to revise particular Sections in 35 Ill. Adm. Code 203 so that the language more closely reflects the terminology used in Sections 182(c)(7) and (8) of the Clean Air Act, as amended, U.S.C. 7511(c)(7) and (8) (1996). The proposed rulemaking effect existing sources in ozone nonattainment areas that are subject to the "special rules" for modifications under Sections 182(c)(7) and (8) of the Clean Air Act, and stationary sources making "major" modifications at sources in ozone and severe ozone nonattainment areas. (This would, as a practical matter, currently affect only the Chicago ozone nonattainment area. See 35 Ill. Adm. Code 218.103.)
- The Board had adopted the "special rules" as portions of Sections 203.206, 203.207, and 203.301 in its rulemaking entitled in the Matter of Amendments to New Source Review Rules, 35 Ill. Adm. Code 203 (April 22, 1993), R92-21. These rules were based on the Agency's understanding of the United States Environmental Protection Agency's (USEPA) preliminary guidance on Sections 182(c)(7) and (8) of the Clean Air Act. The current proposal amends the Board's rules to be consistent with USEPA's more recent interpretation of the "special rules" in its 1996 NSR rule proposal (Federal Register, Vol. 61, No. 182, July 23, 1996). The proposed rules change the method of handling internal emission offsets, which may allow a source to "net-out" of NSR rule requirements or at least avoid imposition of some Best Available Control Technology and Lowest Achievable Emission Rate requirements. The proposed rules may also impact some calculations under the proposed Emissions Reduction Market System (ERMS). See in the Matter of Emissions Reduction Market System, 35 Ill. Adm. Code 205, R97-13.
- 6) Will this proposed rule(s) replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule(s) (amendment, repeal) contain incorporations by

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reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Send written comments concerning R98-10 within 45 days after publication in the Illinois Register to:

Dorothy W. Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-7011

and

Laurel L. Krocak
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276

Request for copies of the September 4, 1997, opinion and order should be addressed to Victoria Hayman, at 312-814-3620 or at the above address and should reference Docket R98-10. Questions regarding the rulemaking should be addressed to Amy Muran Pelton at 312-814-7011.

12) Initial Regulatory Flexibility Analysis: The proposed revisions to 35 Ill. Adm. Code 203 pertain to sources which are "major" for emissions of ozone precursors, e.g., volatile organic materials, in the areas that are classified as serious or severe ozone nonattainment areas in the State of Illinois, e.g., sources with 25 tons per year or more of emissions of volatile organic materials in the Chicago ozone nonattainment area. These revisions allow a relaxation of regulatory requirements. No small businesses will be affected to a degree greater than currently required under existing State regulations or allowed by federal law. The provisions are mandated by the Clean Air Act.

A) Types of small business affected: The proposed revisions to 35 Ill. Adm. Code 203 pertain to sources which are "major" for the emissions of ozone precursors, e.g., volatile organic material, in the areas that are classified as serious or severe ozone nonattainment areas in the State of Illinois. Currently, these revisions would only be

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applicable to sources with 25 tons per year or more of emissions of volatile organic material in the Chicago ozone nonattainment area.

B) Re-writing, bookkeeping or other procedures required for compliance: The proposed revisions do not require that a source maintain any additional records. However, sources will be required to keep records to demonstrate that they are entitled to apply the flexibility afforded by the proposed revisions.

C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the rules will be required.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 303

MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION

SUBPART A: GENERAL PROVISIONS

Section
203.101 Definitions
203.103 Actual Construction
203.104 Actual Emissions
203.107 Allowable Emissions
203.110 Available Growth Margin
203.112 Building, Structure and Facility
203.113 Commence
203.116 Construction
203.117 Dispersion Enhancement Techniques
203.119 Emission Offset
203.121 Emission Offset
203.122 Emissions Unit
203.123 Federally Enforceable
203.124 Fugitive Emissions
203.125 Installation
203.126 Lowest Achievable Emission Rate
203.127 Nonattainment Area
203.128 Potential to Emit
203.131 Reasonable Further Progress
203.134 Secondary Emissions
203.136 Stationary Source
203.145 Volatile Organic Material (Repealed)
203.150 Public Participation
203.155 Severability (Repealed)

SUBPART B: MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section
203.201 Prohibition
203.202 Coordination With Permit Requirement and Application Pursuant to 35 Ill. Adm. Code 201
203.203 Construction Permit Requirement and Application
203.204 Duration of Construction Permit (Repealed)
203.205 Effect of Permits
203.206 Major Stationary Source
203.207 Major Modification of a Source

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203.208 Net Emission Determination
203.209 Significant Emissions Determination
203.210 Relaxation of a Source-Specific Limitation
203.211 Permit Exemption Based on Fugitive Emissions

SUBPART C: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section
203.301 Lowest Achievable Emission Rate
203.302 Maintenance of Reasonable Further Progress and Emission Offsets
203.303 Baseline and Emission Offsets Determination
203.304 Exemptions from Emissions Offset Requirement (Repealed)
203.305 Compliance with Existing Sources
203.306 Analysis of Alternatives

SUBPART F: OPERATION OF A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION

Section
203.601 Lowest Achievable Emission Rate Compliance Requirement
203.602 Emission Offset Maintenance Requirement
203.603 Ambient Monitoring Requirement (Repealed)

SUBPART G: GENERAL MAINTENANCE OF EMISSION OFFSETS

Section
203.701 General Maintenance of Emission Offsets

SUBPART H: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND MOTOR FIRING

Section
203.801 Offsetting by Alternative or Innovative Means

AUTHORITY: Implementing Section 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27 and 28.5].

SOURCE: Adopted and codified at 7 Ill. Reg. 9344, effective July 22, 1993; recodified at 7 Ill. Reg. 13588; amended in 885-20 at 12 Ill. Reg. 6118, effective March 22, 1988; amended in 891-24 at 16 Ill. Reg. 13551, effective August 24, 1992; amended in 892-21 at 17 Ill. Reg. 69793, effective April 1, 1993; amended in 893-9 at 17 Ill. Reg. 16830, effective September 17, 1993; amended in 893-26 at 18 Ill. Reg. 6335, effective April 15, 1994; amended in 898-10 at 21 Ill. Reg. _____, effective _____.

SUBPART B: MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

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Section 203.206 Major Stationary Source

- a) For purposes of this Part, the term "major stationary source" shall exclusively mean "major stationary source and facility," as those terms are defined in Section 203.113 of this Part.
- b) The following constitutes a major stationary source:

1) For an area designated as nonattainment for ozone, a major stationary source is a stationary source which emits or has the potential to emit volatile organic material in an amount equal to or greater than the following:

- A) 100 tons per year in an area classified as marginal or moderate nonattainment for ozone;
 - B) 50 tons per year in an area classified as serious nonattainment for ozone;
 - C) 25 tons per year in an area classified as severe nonattainment for ozone; and
 - D) 10 tons per year in an area classified as extreme nonattainment for ozone.
- 2) For an area designated as nonattainment for nitrogen dioxide, a major stationary source is a stationary source which emits or has the potential to emit 100 tons per year or more of nitrogen dioxide.

3) For an area designated as nonattainment for ozone, a major stationary source is a stationary source which emits or has the potential to emit nitrogen oxides in an amount equal to or greater than the following, unless United States Environmental Protection Agency (USEPA) has made a finding under Sections 110 and 182(f) of the Clean Air Act that controlling of emissions of nitrogen oxides from such source shall not be required:

- A) 100 tons per year in an area classified as marginal or moderate nonattainment for ozone,
- B) 50 tons per year in an area classified as serious nonattainment for ozone,
- C) 25 tons per year in an area classified as severe nonattainment for ozone, and
- D) 10 tons per year in an area classified as extreme nonattainment for ozone.

4) For an area designated nonattainment for PM-10, a major stationary source is a stationary source which emits or has the potential to emit:

- A) 100 tons per year or more of PM-10 in an area classified as marginal nonattainment area, or
- B) 70 tons per year or more of PM-10 in an area classified as serious nonattainment.

5) For an area designated nonattainment for carbon monoxide, a major stationary source is a stationary source which emits or has the potential to emit:

- A) 100 tons per year or more of carbon monoxide in a

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nonattainment area, except as provided in (B) below.
 30 tons per year or more of carbon monoxide, a major stationary source is a stationary source which emits or has the potential to emit 100 tons per year or more of the pollutant.
 c) Any physical change that occurs at a stationary source which does not qualify under subsection (a) of this Section as a major stationary source will be considered a major stationary source, if the change would constitute a major stationary source by itself.
 d) The reconstruction of a major stationary source will be treated as the construction of a new major stationary source if the fixed-capital cost of the reconstruction exceeds approximately half of the fixed-capital cost of an entirely new stationary source.--Determining whether reconstruction will occur is based on the following:

- 1) Fixed-capital cost shall mean the capital needed to provide all the depreciable components;
- 2) The fixed-capital cost for the replacements in comparison to--the fixed-capital cost that would be required to construct--a comparable entirely new source;
- 3) The estimated life of the source after the replacements compared to the life of a comparable entirely new source; and
- 4) The extent to which--the components--being replaced--cause or contribute to the emissions from the source.

d) For purposes of this Part, in areas that are classified as serious, severe, or extreme nonattainment, the fugitive emissions from a stationary source shall be included in determining whether it is a major stationary source. In areas that are classified as serious, marginal, or moderate nonattainment, the fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- 1) Coal cleaning plants (with thermal dryers);
- 2) Kraft pulp mills;
- 3) Portland cement plants;
- 4) Primary zinc smelters;
- 5) Iron and steel mills;
- 6) Primary aluminum ore reduction plants;
- 7) Primary copper smelters;
- 8) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- 9) Hydrofluoric, sulfuric, or nitric acid plants;
- 10) Petroleum refineries;
- 11) Lime plants;

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- 12) Phosphate rock processing plants;
- 13) Coke oven batteries;
- 14) Sulfur recovery plants;
- 15) Carbon black plants (furnace process);
- 16) Primary lead smelters;
- 17) Secondary metal production plants;
- 18) Steel production plants;
- 19) Chemical process plants;
- 20) Fossil-fuel boilers (or combination thereof) totaling more than 250 million Btu per hour heat input;
- 21) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- 22) Taconite ore processing plants;
- 23) Glass fiber production plants;
- 24) Glass fiber processing plants;
- 25) Charcoal production plants;
- 26) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input;
- 27) Any other stationary source categories regulated by a standard under Section 111 or 112 of the "Clean Air Act" (42 U.S.C. 7411, 7412), but only with respect to those air pollutants that have been regulated for that category;
- 28) Any other stationary source category designated by the USEPA by rule.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 203.207 Major Modification of a Source

- a) Except as provided in subsection (c)(1, d) or (f) below, a physical change, or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant for which the area is designated nonattainment area, shall constitute a major modification of a source if the physical change or change in the method of operation is significant for volatile organic material or nitrogen oxides shall be considered significant for ozone.
- b) A physical change or change in the method of operation shall not include:
 - 1) Routine maintenance and repair-and-replacement which does not constitute reconstruction pursuant to Section 203.206(f);
 - 2) Use of an alternative fuel or raw material by reason of any order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791), the Power Plant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act (16 U.S.C. 791, et seq.).

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- 3) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act (42 U.S.C. 7425).
- 4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
- 5) Use of an alternative fuel or raw material by a stationary source which:
 - A) Was capable of accommodating such alternative fuel or raw material before December 21, 1976, and which has continuously remained capable of accommodating such fuels or materials unless such change would be prohibited under any enforceable permit condition established after December 21, 1976, pursuant to 40 CFR 52.21, this Part, or 35 Ill. Adm. Code 201.142 or 201.143;
 - B) Is approved or use under a permit issued pursuant to this Part or 35 Ill. Adm. Code 201.142 or 201.143;
 - C) An increase in the hours of operation or in the production rate, unless such change is prohibited under any enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21, this Part, or 35 Ill. Adm. Code 201.142 or 201.143.
- 7) Any change in ownership at a stationary source.
 - d) In an area classified as serious or severe nonattainment for ozone, increased emissions of volatile organic material or nitrogen oxides resulting from any physical change in, or change in the method of operation of, a stationary source located in the area shall be considered de minimis for purposes of this Part if the increase in net emissions of such air pollutant from such source does not exceed 25 tons when aggregated with all other net increases in emissions from the source over any period of five consecutive calendar years which includes the year in which such increase occurred. Increases classified as serious or severe nonattainment for ozone occurring in years 1978-1979 of such stationary sources in the area classified by the United States Environmental Protection Agency (USEPA) as a serious or severe nonattainment area for ozone, a stationary physical change or change in the method of operation of a major stationary source which results in an increase in emissions of 25 tons per year or more of volatile organic material or nitrogen oxides from any discrete operation, unit, or other pollutant-emitting activity at the source shall be considered a major modification unless:
 - e) In the case of any major stationary source of volatile organic material or nitrogen oxides located in an area classified as serious or severe nonattainment for ozone (other than a source of volatile organic material or nitrogen oxides located in an area of serious or severe nonattainment for ozone) having a net emissions charge at that source resulting from such increase in emissions of less than a de minimis increase in emissions of volatile organic material or nitrogen oxides, respectively, from any discrete operation, unit, or other pollutant-emitting activity at the source, such increase shall be considered a

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major modification for purposes of this Part, except such increase shall not be considered a major modification for such purposes if the owner or operator of the source elects to offset the increase by the greater reduction in emissions of volatile organic material or nitrogen oxides, respectively, from other operations, units, or activities within the source at an internal offset ratio of at least 1:1.

If the emissions and potential to emit emissions of such pollutants from volatile organic material or nitrogen oxides, are less than 100 tons per year, and

24) the owner or operator of the source elects to offset the increase by a greater reduction in emissions of such pollutant--~~from volatile organic material or nitrogen oxides--from other operations, units, or activities within the source at an internal offset ratio of at least 1:1 to 1~~

[1e] In areas classified as extreme nonattainment for ozone, beginning on the date that an area is classified by USEPA as an extreme nonattainment area for ozone, any physical change in or change in the method of operation of a major stationary source which results in any increase in emissions of volatile organic material or nitrogen oxides from a discrete operation, unit, or other pollutant emitting activity shall be considered a major modification.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
NONATTAINMENT AREAS

Section 203.301 Lowest Achievable Emission Rate

a) For any source, lowest achievable emission rate (LAER) will be the more stringent rate of emissions based on the following:

- 1) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless it is demonstrated that such limitation is not achievable; or
- 2) The most stringent emission limitation which is achieved in practice by such a class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source performance standard adopted by United States Environmental Protection Agency pursuant to Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act.

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- b) The owner or operator of a new major stationary source shall demonstrate that the control equipment and process measures applied to the source will produce LAER. For modification shall demonstrate that the control equipment and process measures applied to the major modification will produce LAER. This requirement applies to the emissions unit at which a net increase in emissions of the pollutant has occurred or would occur as a result of a physical change or change in the method of operation.
- d) The owner or operator shall provide a detailed showing that the proposed emission limitations constitute LAER. Such demonstration shall include:
 - 1) A description of the manner in which the proposed emission limitation was selected, including a detailed listing of information resources;
 - 2) Alternative emission limitations; and
 - 3) Such other reasonable information as the Agency may request as necessary to determine whether the proposed emission limitation is LAER.

e) If the owner or operator of a major source (other than a source which emits or has the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides) located in an area classified as serious or severe nonattainment for ozone does not elect to provide internal offsets for a change at the source in accordance with Section 203.207(d) of this Part, such change shall be considered a major modification for purposes of this Part. In applying this Section in the case of any such modification, the Best Available Control Technology (BACT), as defined in Section 169 of the Clean Air Act, shall be substituted for the Lowest Achievable Emission Rate (LAER). BACT shall be determined in accordance with policies and procedures published by USEPA. In areas classified as serious or severe nonattainment for ozone, for modifications which are major stationary sources, the applicable provisions of Sections 203.207(d) and 203.207(e) shall be substituted for the provisions of Sections 203.207(d) and 203.207(e) apply except as provided as follows:

- 1) In the case of a stationary source which does not emit or have the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides, a requirement for Best Available Control Technology (BACT) as defined in Section 169 of the Clean Air Act (42 U.S.C. 7461 et seq.) substitutes for LAER. BACT shall be determined in accordance with policies and procedures published by the USEPA.
- 2) In the case of a stationary source which emits or has the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides, the requirements for BACT shall not apply if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of such pollutant from other operations, units or activities within the source at

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an internal offset ratio of at least 1:3 to 1:

f) In the case of any major stationary source of volatile organic material or nitrogen oxides located in an area classified as serious or severe nonattainment for ozone which emits or has the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides, respectively, whenever any change at that source results in any increase (other than a de minimis increase) in emissions of volatile organic material or nitrogen oxides, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source, such increase shall be considered a major modification for purposes of this Part, except that if the owner or operator elects to offset the increase by a greater reduction in emissions of volatile organic material or nitrogen oxides, respectively, from other operating units, activities, or processes at the source, at an internal offset ratio of at least 1:3 to 1, the requirements of this Section concerning LAR shall not apply.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:
100.3120 Amendment
- 4) Statutory Authority: 35 ILCS 5
- 5) A Complete Description of the Subjects and Issues Involved: This amendment is necessary to reflect the new law (P.L. 104-95) and the effect it has on the ability of Illinois to impose a nonresident tax on certain nonresident pension income, as well as certain nonresident deferred compensation distributions.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which Interested Persons may Comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Jackson Donley
Associate Counsel- Income Tax
Illinois Department of Revenue
Legal Services Office
100 West Jefferson
Springfield, IL 62794
(217) 782-7055
- 12) Initial Regulatory Flexibility Analysis:
 - A) Times of small businesses, small municipalities and not for profit corporations affected: This amendment may impact individual taxpayers.
 - B) Reporting, bookkeeping or other procedures required for compliance: No special bookkeeping skills, etc. are required.

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- C) Types of professional skills necessary for compliance: No additional skills needed other than those required for the original regulation.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment begins on the next page:

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TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000
100.2050

Introduction
Net Income (IITA Section 202)

Section
100.2100
100.2101
100.2110
100.2120

SUBPART B: CREDITS

Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
Replacement Tax Investment Credit (IITA 201(e))
Investment Credit: Enterprise Zone (IITA 201(f))
Jobs Tax Credit: Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))

100.2130
100.2140
100.2150
100.2160
100.2170
100.2180

Investment Credit: High Impact Business (IITA 201(h))
Credit Against Income Tax for Replacement Tax (IITA 201(i))
Training Expense Credit (IITA 201(j))
Research and Development Credit (IITA 201(k))
Tax Credits for Coal Research and Coal Utilization Equipment (IITA 201(l))
Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2210

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

100.2220

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offset Against Members' Income

100.2230

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

100.2240

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

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Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims

100.2300 Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310 Computation of the Illinois Net Loss Deduction

100.2320 Determination of the Amount of Illinois Net Loss Carryovers

100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers

100.2340 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Separate Unitary versus Combined Unitary

100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
BASE INCOME

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Section
100.3000 Terms Used in Article 3 (IITA Section 301)

100.3010 Business and Nonbusiness Income (IITA Section 301)

100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IITA Section 302)

100.3110 State (IITA Section 302)

100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)

100.3210 Commercial Domicile (IITA Section 303)

100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)

100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General

100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment

100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation

100.3340 Business Income of Persons Other Than Residents (IITA Section 304) - Property Factor (IITA Section 304)

100.3350 Payroll Factor (IITA Section 304)

100.3360 Special Rules (IITA Section 304)

100.3370 Special Rules (IITA Section 304)

100.3380 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)

100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

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SUBPART O: COMPOSITE RETURNS

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100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required Forms and computation of Income
100.5140 Composite Returns: Tax, Penalties and Interest
100.5150 Composite Returns: Credit for Resident Individuals
100.5160 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Election to File a Combined Return
100.5210 Procedure for Making the Election
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Return, Income and Tax
100.5270 Combined Refund of Excess Payments
100.5270 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Under Withholding or Over Withholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

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SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)
SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD
100.7300 Returns of Income withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Under withholding or Over withholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Assessment of Tax Payments Within Unitary Business Groups (IITA Section 903)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

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Compensation is paid in Illinois if:

- A) The individual's service is localized in Illinois because it is performed entirely within Illinois;
- B) The individual's service is localized in Illinois although it is performed both within and without Illinois, because the service performed without Illinois is incidental to the individual's service performed within Illinois; or
- C) The individual's service is not localized in any state but the service is performed within Illinois and either:
 - i) the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within Illinois, or
 - ii) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in Illinois.

2) The foregoing rules are to be applied in such manner that if they were in effect in other states an item of compensation would constitute compensation "paid in" only one state. Thus, if an item would, under these rules, constitute compensation paid in a state other than Illinois because the service is performed in that state, it is not compensation under subsection (a)(1)(B) above; it could not also be compensation paid in Illinois. Pursuant to 50 U.S.C. 574, compensation for military or naval service paid to a nonresident does not constitute "compensation paid in" Illinois even though it meets the tests set forth in subsection (a)(1) above. For further discussion of these tests, see Section 100.7010(a), (d), (e) and (f), dealing with withholding.

3) Personal services under personal service contracts for sports performance

A) For purposes of subsection (a)(1)(A) above, beginning with taxable years ending on or after December 31, 1992, for all persons who are members of professional sports teams that are residents of states that impose a comparable tax liability on all persons who are members of professional sports teams that are residents of this State and who perform personal services under personal service contracts for sports performance, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. (IRTA Section 304(a)(2)(B)). The amount of income constituting compensation paid in this State to such person shall be determined by multiplying the person's total compensation for performing such personal services by a fraction, the denominator of which contains

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the total number of duty days and the numerator of which is the number of duty days in Illinois during the taxable year.

B) The income of persons who engage in sports performance in Illinois, but do not perform personal services under personal services contracts of employment, remains apportionable to Illinois. Such income is, however, apportionable to Illinois as provided by IRTA Section 100.3010(a)(1) and Section 100.3010(b) of this Part. Also see IRTA Section 304(a) and Section 100.3310 of this Part.

b) Compensation paid for past service

1) A federal law, P.L. 104-95 (4 USC 114), which applies to amounts received after December 31, 1995, limits the power of states to impose income taxation on certain nonresident pension income. This limitation also impacts income received by a nonresident in the form of distributions from many deferred compensation plans. The allocation of distributions to nonresidents from deferred compensation plans which are not governed by that law and which are potentially income taxable in this State is governed by this subsection. Where compensation is paid to a nonresident for past service, such compensation will, for the purpose of determining whether and to what extent such compensation is taxable in Illinois, be deemed to have been earned ratably under IRTA Section 302(a). It is presumed to have been earned ratably over the employee's last 5 years of service with the employer (or any predecessor or successor of the employer or a parent or subsidiary corporation of the employer), in the absence of clear and convincing evidence that such compensation is properly attributable to a different period of employment or that it was not earned ratably over the appropriate period of employment. Compensation earned in each past year will be deemed compensation paid in Illinois if the individual's service in such year met the tests set forth in subsection (a) above. Compensation paid for past service includes amounts paid under deferred compensation agreements where the amount of compensation is unrelated to the amount of service being currently rendered. Amounts paid to nonresidents under currently rendered compensation agreements may be allocated to Illinois under IRTA Section 302(a) if the amounts paid to nonresidents notwithstanding the fact that amounts paid to nonresidents under such agreements will be deemed not to be compensation paid in Illinois for purposes of IRTA Section 701 and will not be subject to withholding (see Section 100.7010(g)).

2) The standards detailed in the previous subsection may be illustrated by the following examples:

- A) A is a union member employed by B corporation as a factory worker. During the years 1965-1968, A was employed in B's factory in Illinois; in 1969, A worked in B's factory

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in State X. In 1970, as a result of union labor contract negotiations, A received a lump-sum payment of \$500 in lieu of a retroactive wage increase. A is at all times a resident of State X. Unless A establishes, by clear and convincing evidence, facts to support a different result, \$100 is deemed to have been earned in each of the 5 years 1965-1969. Further, \$400 is deemed to have been earned by service localized in Illinois (a) above). Therefore, \$400 is allocable to Illinois under IITA Section 302(a).

B) The facts are the same as in the previous example except that A is able to establish that the \$500 constituted a wage increase retroactive to July 1, 1969. In such case, no part of the \$500 is localized in Illinois since it was earned by A in 1969 localized in State X.

C) C is a corporate executive. On January 1, 1965, C entered into an agreement with D corporation under which he was to be employed by D in an executive capacity for a period of 5 years. Under the contract C is entitled to a stated annual salary and to additional compensation of \$10,000 for each year, the additional compensation to be credited to a bookkeeping reserve account and deferred, accumulated and paid in annual installments of \$5,000 on C's retirement beginning January 1, 1970. In the event of C's death prior to exhaustion of the account, the balance is to be paid to C's personal representative. C is required to render consultative services to D when called upon after December 31, 1969. During 1970, C is paid \$8,000 while D is located in Florida. The \$5,000 is deemed to have been earned at the rate of \$1,000 in each of the years 1965-1969, since the amount paid is unrelated to C's current consultative services. Whether the \$1,000 earned in each such year is allocable to Illinois under IITA Section 302(a) must be determined by applying the tests set forth in subsection (a) above to each such year.

c) Exceptions to general allocation rules

1) While "compensation" may include items of income taken into account by a nonresident employee under the provisions of 26 U.S.C. 401 through 424, such as, for example, amounts received by a beneficiary of an employee's trust (taxable to the employee under 26 U.S.C. 402), whether the trust is exempt or non-exempt from income tax, or income resulting from a qualified stock option, such as the amount realized from the exercise of a qualified stock option (taxable to the employee under 26 U.S.C. 421(b) above), such compensation is not allocated under IITA Section 302(a). Such compensation is

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allocated under the rules of IITA Section 301(b)(2)(A), i.e., is not allocated to Illinois, whereas compensation which is allocated pursuant to IITA Section 302(a) is allocated to Illinois, if "paid in" this State (see subsections (a) and (b) above). Consequently, a nonresident claiming that compensation which would otherwise constitute compensation paid in Illinois should not be allocated to Illinois under IITA Section 301(b)(2)(A) must establish that such compensation was properly taken into account by such individual under the provisions of 26 U.S.C. 401 through 424.

2) Reciprocal exemptions

In any case in which the Director has entered into an agreement with the taxing authorities of another state which imposes a tax on or measured by income to provide that compensation paid in Illinois to residents of that state will not be allocated to Illinois, such tax compensation paid in Illinois to residents of such state will not be allocated to Illinois.

3) Federal Law. Federal law affects the authority of the State of Illinois to subject certain employees of railroads, motor carriers and air carriers to Illinois income taxation, even though in the absence of specific federal provisions those employees would be subject to Illinois taxation by virtue of IITA Section 302(a).

A) Railroad employees. 49 U.S.C.A. 11504(a) provides that no part of the compensation paid by a rail carrier subject to the jurisdiction of the Interstate Commerce Commission under subchapter 1 of the Chapter 105 of Title 49, to an employee who performs regularly assigned duties in more than one state shall be allocated to any one state other than the state or subdivision of that state, other than the state or subdivision thereof of the employee's residence.

B) Motor carrier employees. 49 U.S.C.A. 11504(b)(1) states that no part of the compensation paid by a motor carrier subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of Title 49, or by a motor private carrier, to an employee who performs regularly assigned duties in 2 or more states as such employee with respect to a motor vehicle shall be subject to the income tax laws of any state or subdivision of that state, other than the state or subdivision thereof of the employee's residence.

C) Air carrier employees. 49 U.S.C.A. 1513(j) states that no part of the compensation paid by an air carrier to an employee on an aircraft is regularly assigned duties as such an employee on an aircraft in more than one state shall be subject to the income tax laws or any state or subdivision thereof other than the state or subdivision thereof of such employee's residence and the state or subdivision thereof in

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which such employee earns more than 50% of the compensation paid by the carrier to such employee.

4) The standards set forth in this Section may be illustrated by the following examples:

- A) A is a factory worker for B corporation which is located in Illinois. A resides in State X. When A reaches retirement age, he begins receiving a pension from the exempt trust under B's qualified pension plan. For federal income tax purposes, A properly takes his payments into account under the provisions of 26 U.S.C. 402(a). Accordingly, under IITA Section 301(c)(2)(A), A's payments are not allocated to Illinois.
- B) The facts are the same as in the previous example except that B corporation does not fund its employees' pension benefits through the creation of a trust or the purchase of annuities, but pays retired employees each year out of corporate funds. For federal income tax purposes, A is required to take his payments into account under 26 U.S.C. 61(a), rather than under 26 U.S.C. 401 through 424. Accordingly, allocation of A's pension payments is governed by IITA Section 302(a) above (see subsections (a) and (b) of this Section).
- C) A is a locomotive engineer employed by Interstate railway. Interstate operates a rail yard in East St. Louis, Illinois. Interstate also operates out of St. Louis, Missouri, where it has a rail yard, as well as its administrative and maintenance offices in St. Louis, Missouri. A is assigned to the East St. Louis rail yard and primarily reports to the East St. Louis rail yard of Interstate and drives locomotives for Interstate on trips that go throughout the United States. However, on occasion, A is required to report to the St. Louis, Missouri yard of Interstate and drive locomotives on trips that originate from St. Louis, Missouri. Pursuant to 49 U.S.C.A. 11504(a), Interstate may only withhold, and A is only subject to, the Missouri personal income tax.
- D) A is an airline pilot for World-Wide Airlines. World-Wide provides passenger and freight service to various destinations throughout the United States from Lambert Field in St. Louis, Missouri, as well as from the municipal airport in Alton, Illinois. A lives in St. Louis, Missouri, and reports to and flies out of the municipal terminal in Alton, Illinois. A's flight schedule includes destinations outside of Illinois. Less than 50% of A's compensation (as determined by flight time in Illinois versus flight time everywhere) (see 49 U.S.C.A. 1512(b)) is earned within Illinois. Therefore, by virtue of 49 U.S.C.A. 1513(a), A is only subject to Missouri income taxation on his compensation

DEPARTMENT OF REVENUE

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from World-Wide.

- E) The facts are the same as in the previous example, except that A pilots commuter planes between Alton and Chicago, Illinois. In this situation, A will be subject to Illinois income taxation by virtue of the fact that A earns more than 50% of his compensation within the State of Illinois.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: Adopted Action:
350.280 Amended
- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act (820 ILCS 220) and the Health and Safety Act (820 ILCS 225).
- 5) Effective Date of Rulemaking: September 4, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: August 29, 1997
- 9) Notice of Proposal Published in Illinois Register: April 4, 1997 (21 Ill Reg. 4140)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between Proposal and final version: In line 61, add "on" and strike "it".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The rulemaking updates the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 of the Health and Safety Act mandates IDOL's adoption of all federal occupational safety and health standards promulgated, modified, or revoked by the U.S. Secretary of Labor, unless IDOL promulgates alternative rules providing at least as effective health and safety standards as the federal standards. See 820 ILCS 225/4 (1996). Adoption of these rules ensures that public sector workers are provided with the same level of protection that is afforded to private sector workers within the State.

- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

Scott D. Miller
Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, IL 60601
312/793-1811

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONSPART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Admission to Premises
350.60	Conduct of Inspections
350.70	Closing Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultations with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.200	Advisory Inspections

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	Emergency Notification
350.210	Recordable Injuries and Illnesses
350.220	Log of Injuries and Illnesses
350.230	Supplementary Record of Injuries and Illnesses
350.240	Annual Summary
350.250	Retention of Records
350.260	Access to Records

SUBPART C: FEDERAL STANDARDS

Section	Adoption of Federal Standards
350.280	

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12001, effective 12/1/97.

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

- Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective July 1, 1998, and amended at FR61:41738; FR61:43454; FR61:46025; FR61:56796; FR61:59831; and FR62:1494 on July 17, 1995, and amended at 68-FR-36643; 68-FR-39254; 68-FR-40457; 68-FR-47922; 68-FR-50411; and 68-FR-52056. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.
- The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (1) of 29 CFR Part 1910.1030 are not applicable to Illinois public sector employers. The effective date of paragraph (1)(1) of the adopted standard for the Illinois public sector shall be the effective date of the amendment, as published in the Illinois Register. The compliance date for paragraph (1)(2) of the adopted standard shall be 30 days after the effective date, and the date for paragraph (1)(3) shall be 60 days after the effective date, and the date for paragraph (1)(4) shall be 90 days after the effective date.
- The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and

DEPARTMENT OF LABOR

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(iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 21 Ill. Reg. 12854, effective 5/1/94)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 175
- 3) Section Number: Proposed Action:
175.30 Amendment
175.50 Amendment
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101-12114) and Section 504 of Title II, Regulations (28 CFR 35.107) and authorized by Section 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10].
- 5) Effective Date of Amendments: September 4, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 2, 1997
- 9) Notice of Proposal Published in Illinois Register: May 23, 1997, 21 Ill. Reg. 6166
- 10) Has JCARR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? The Joint Committee on Administrative Rules did not issue an agreement letter to this rulemaking.
- 13) Will this proposed amendment replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Amendment will correct a cross-reference in Section 175.30 and change references in Section 175.50 to meet the format requirement of the Joint Committee on Administrative Rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Lyle J. Black
Senior Staff Attorney
Department of Nuclear Safety

DEPARTMENT OF NUCLEAR SAFETY

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1035 Outer Park Drive
Springfield, IL 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER IV: DEPARTMENT OF NUCLEAR SAFETY

PART 175

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
175.10	Purpose
175.20	Definitions
175.30	Procedure
175.40	Designated Coordinator Level
175.50	Final Level
175.60	Accessibility
175.70	Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedure Act (5 ILCS 100/5-10).

SOURCE: Adopted at 16 Ill. Reg. 9129, effective June 2, 1992; amended at 21 Ill. Reg. 12855, effective SEP 14 1992.

Section 175.30 Procedure

- a) Grievances shall be submitted in accordance with the procedures established in Sections 175.10 through 175.30 of this Part. The complainant must meet this deadline within the specified time limits. Time limits established in this Part are calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure.
- c) The Department shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.

(Source: ~~Amended~~ at 21 Ill. Reg.

SEP 14 1992)

12855 effective

Section 175.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may, within 5 five-ty days after receipt by the complainant of the

DEPARTMENT OF NUCLEAR SAFETY

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Designated Coordinator's response, submit a copy of the grievance form and Designated Coordinator's written response to the Director of the Department for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's response.

b) The complainant will be afforded an opportunity to appear before the Director or the Director's designee. The complainant shall have a right to appoint a representative to appear on behalf of the complainant. The Director or designee shall review the Designated Coordinator's written response and may conduct interviews and seek advice as the Director or designee deems appropriate.

c) If the Director appoints a designee for the procedure under subsection (b) of this Section above, the designee shall present both his/her findings and the written response of the Designated Coordinator to the Director.

d) The Director shall approve, disapprove or modify the recommendation(s) of the Designated Coordinator. Within 30 thirty days after the statement of dissatisfaction under subsection (a) of this Section, the Director shall indicate in writing the basis for the decision and shall cause a copy of the decision to be served on the complainant and Designated Coordinator. If the Director disapproves or modifies the recommendation(s) contained in the written response of the Designated Coordinator, the Director shall include in the written decision reasons for such disapproval or modification. The Director's decision shall be final.

e) The Department shall maintain the grievance form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the findings of the Director's designee, if any, and the Director's written decision in accordance with the State Records Act (5 ILCS 1801) with no retention—1991—CH-116-par-433-et-seq-97 or as otherwise required by law.

(Source: Amended at 21 Ill. Reg. 12858, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3) Section Numbers: Emergency Action:

310-Appendix A Amended

310-Appendix G

4) Statutory Authority: 20 ILCS 415/8 and 8a

5) Effective date of the rule: September 8, 1997

6) If this emergency rule is to expire before the end of the 150 day period, please specify the date: The emergency amendment will extend to the full 150 days.

7) Date filed in Agency's Principal office: September 8, 1997

8) The reason for the emergency: This emergency amendment to the Pay Plan is necessary to establish separate Merit Compensation and Broad-Banded salary schedules for Fiscal Year 1998 for those employees subject to the alternative retirement formula. It is pertinent that these schedules be implemented immediately to be in alignment with other recent amendments for Fiscal Year 1998.

9) A Complete Description of the Subjects and Issues Involved: In Section 310-Appendices D and G, separate salary schedules are being established for the Merit Compensation and Broad-banded employees whose alternative retirement formula rates were not changed. The schedules will reflect a 3% increase to the maximum salaries.

10) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310-110	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-130	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-290	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-450	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-530	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-540	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-Appendix B	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-Appendix C	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-Appendix D	Amended	21 Ill. Reg. 9923 (July 21, 1997)
310-Appendix G	Amended	21 Ill. Reg. 9923 (July 21, 1997)

11) Statement of Statewide Policy Objectives: This rulemaking does not affect local government units.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 12) The name, address and telephone number of the person to whom information and questions regarding this emergency rule shall be directed to:

Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, IL 62706
 (217) 782-5601

The full text of the emergency rule is as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
 PAY PLAN

SUBPART A: NARRATIVE

Section	Policy and Responsibilities
310.20	Jurisdiction
310.30	Pay Schedules
310.40	Pay Grades
310.50	Reclassification
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1997
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	Introduction
310.205	Prevailing Rate
310.210	Negotiated Rate
310.220	Part-Time Daily or Hourly Special Services Rate
310.230	Hourly Rate
310.240	Member, Patient and Inmate Rate
310.250	Trainee Rate
310.260	Legislated and Contracted Rate
310.270	Designated Rate
310.280	Out-of-State or Foreign Service Rate
310.290	Educator Schedule for RC-063 and HR-010
310.300	Physician Specialist Rate
310.310	Annual Compensation Ranges for Executive Director and Assistant
310.320	Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section 310-410	Jurisdiction
310-420	Objectives
310-430	Responsibilities
310-440	Merit Compensation Salary Schedule
310-450	Procedures for Determining Annual Merit Increases
310-455	Intermittent Merit Increase
310-460	Other Some (Repealed)
310-465	Other Some Increases
310-470	Adjustment
310-480	Decreases in Pay
310-490	Other Pay Provisions
310-495	Broad-Band Pay Range Classes
310-500	Definitions
310-510	Conversion of Base Salary to Pay Period Units
310-520	Conversion of Base Salary to Daily or Hourly Equivalents
310-530	Implementation
310-540	Annual Merit Increase Guidechart for Fiscal Year 1997
310-550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building, SEIU)
TABLE AA	NR-200 (Department of Labor Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, IWA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-110 (Professional Legal Unit, AFSCME)
TABLE O	RC-020 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-031 (Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	RC-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meat and Conifer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1997
APPENDIX D	Health Compensation System Salary Schedule for Fiscal Year 1998 1997
EMERGENCY	Teaching Salary Schedule (Repealed)
APPENDIX E	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX F	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998
APPENDIX G	
EMERGENCY	

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code (210 ILCS 415/8 and 8a).

SOURCE: Filed June 28, 1987; codified at 8 Ill. Reg. 1598; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4248, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4760, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5768, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 3, 1985; amended at 9 Ill. Reg. 10693, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 13044, effective September 21, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 13044, effective September 21, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 9230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; for a maximum of 150 days; amended at 10 Ill. Reg. 10290, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

17765, effective September 30, 1986, for a maximum of 150 days; pretermptory amendment at 10 Ill. Reg. 49132, effective October 28, 1986; pretermptory amendment at 11 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 4211, effective December 22, 1986; pretermptory amendment at 11 Ill. Reg. 3363, effective February 27, 1987; pretermptory amendment at 11 Ill. Reg. 6291, effective February 27, 1987; pretermptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; pretermptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; pretermptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; pretermptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; pretermptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; pretermptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; pretermptory amendment at 12 Ill. Reg. 5159, effective March 3, 1988; amended at 11 Ill. Reg. 7793, effective April 14, 1988; pretermptory amendment at 12 Ill. Reg. 7793, effective April 14, 1988; amended at 11 Ill. Reg. 7714, effective April 15, 1988; for a maximum of 150 days; pretermptory amendment at 12 Ill. Reg. 8135, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; pretermptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; pretermptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; pretermptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; pretermptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11854, effective July 1989; amended at 13 Ill. Reg. 15795, effective July 1989; amended at 13 Ill. Reg. 12647, pretermptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; pretermptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; pretermptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16029; pretermptory amendment at 14 Ill. Reg. 17099, effective September 26, 1990; amended at 14 Ill. Reg. 17109, effective October 2, 1990; amended at 14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; pretermptory amendment at 14 Ill. Reg. 18964, effective November 13, 1990; pretermptory amendment at 15 Ill. Reg. 1663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; pretermptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; pretermptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; pretermptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; pretermptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective September 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; pretermptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19101, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21458, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 227, effective December 1, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5145, effective March 21, 1994; pretermptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; pretermptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; pretermptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; pretermptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; pretermptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; pretermptory amendment at 19 Ill. Reg. 5149, effective March 14, 1995; amended at 19 Ill. Reg. 6432, effective May 2, 1995; pretermptory amendment at 19 Ill. Reg. 6688, effective May 19, 1995; amended at 19 Ill. Reg. 7811, effective June 19, 1995; amended at 19 Ill. Reg. 8391, effective June 19, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11951, effective August 1, 1995, for a maximum of 150 days; pretermptory amendment at 19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 19979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15003, effective October 12, 1995; amended at 20 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 398, effective December 22, 1995; amended at 20 Ill. Reg. 1106, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; amended at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1679, effective January 21, 1997; amended at 21 Ill. Reg. 1947, effective February 19, 1997; amended at 21 Ill. Reg. 2014, effective March 19, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12854, effective September 8, 1997, for a maximum of 150 days.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310 APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1998 1999

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01	1,813	2,411	3,009
MC 02	1,891	2,533	3,175
MC 03	1,982	2,680	3,378
MC 04	2,072	2,806	3,540
MC 05	2,175	2,968	3,761
MC 06	2,285	3,119	3,953
MC 07	2,406	3,308	4,210
MC 08	2,536	3,509	4,482
MC 09	2,681	3,734	4,774
MC 10	2,831	3,984	5,087
MC 11	2,990	4,187	5,384
MC 12	3,175	4,467	5,759
MC 13	3,390	4,775	6,160
MC 14	3,626	5,126	6,626
MC 15	3,892	5,496	7,100
MC 16	4,166	5,905	7,644
MC 17	4,496	6,373	8,250
MC 18	4,846	6,853	8,460
MC 19	5,234	6,945	8,656

Merit Compensation System Salary Schedule (Alternative Retirement Formula SM1) - Monthly Rates of Pay for Fiscal Year 1998

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01a	1,813	2,456	3,099
MC 02a	1,891	2,581	3,271
MC 03a	1,982	2,731	3,480
MC 04a	2,072	2,852	3,646
MC 05a	2,175	3,025	3,875
MC 06a	2,285	3,179	4,073
MC 07a	2,406	3,371	4,336
MC 08a	2,536	3,576	4,616
MC 09a	2,681	3,791	4,916
MC 10a	2,831	4,020	5,209
MC 11a	2,990	4,268	5,546
MC 12a	3,175	4,554	5,933
MC 13a	3,390	4,868	6,346
MC 14a	3,626	5,226	6,826
MC 15a	3,892	5,603	7,314
MC 16a	4,166	6,020	7,874

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

MC 17a 4,496 6,497 8,498
 MC 18a 4,846 6,780 8,714
 MC 19a 5,234 7,075 8,916

(Source: Emergency amendment at 21 Ill. Reg. 12059, effective September 8, 1997, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310 APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

Title	Minimum Salary	Maximum Salary
Human Resources Representative	1,891	3,540
Human Resources Specialist	2,175	4,210
Public Service Administrator	2,536	5,392
Senior Public Service Administrator, Level I	3,494	6,097
Senior Public Service Administrator, Level II	4,292	7,972

Broad-Band Pay Range Classes Salary Schedule (Alternative Retirement Formula only) - Monthly Rates of Pay for Fiscal Year 1998

Title	Minimum Salary	Maximum Salary
Human Resources Representative	1,891	3,646
Human Resources Specialist	2,175	4,336
Public Service Administrator	2,536	5,543
Senior Public Service Administrator, Level I	3,494	6,280
Senior Public Service Administrator, Level II	4,292	8,211

(Source: Emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days)

EXECUTIVE ORDER ESTABLISHING ETHICS AND PROCUREMENT REFORMS

Whereas, the people of the State of Illinois are entitled to expect state officers and employees to make decisions in the performance of their public duties diligently, conscientiously, ethically, and in the public interest, and to execute their public duties impartially and with integrity; and,

Whereas, public service involves a high degree of mutual trust; state officials and employees have a moral obligation to maintain that public trust and confidence; and,

Whereas, it is desirable to establish specific ethics reforms immediately for the office of the Governor and all agencies, boards and commissions under the jurisdiction of the Governor (except those which are advisory or otherwise non-salaried and do not perform substantive regulatory functions) (hereafter "agency") so as to assure that the people of this State may continue to expect the highest levels of integrity and accountability from their public servants.

Therefore, I, Jim Edgar, order the following:

I. BAN ON GIFTS TO STATE EMPLOYEES FROM PROHIBITED SOURCES.

A. Except as otherwise provided herein, no director, officer, or employee of an agency (hereafter "employee") shall, directly or indirectly, solicit or accept any gift from any prohibited source or in violation of any federal or state statute or regulation. This ban applies to and includes employees' spouses and members of employees' immediate family living with the employee.

B. A "prohibited source" means any person or entity which:

1. Provides goods or services to the agency;
2. Does business or seeks to do business with the employee's agency;
3. Conducts activities regulated by the employee's agency;
4. Has interests that may be substantially affected by the performance or non-performance of the employee's official duties; or
5. Lobbies on behalf of, or otherwise represents, or is, an organization a majority of whose members are described above.

C. A "gift" includes any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value.

A "gift" includes, but is not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to State employment.

D. A "gift" does not include:

1. A certificate or award publicly presented in recognition of public service;
2. A commercially reasonable loan made in the ordinary course of the lender's business;
3. Intra-family, intra-office or intra-governmental gifts;
4. Items with a value of \$50 or less in the aggregate per year from a single source, calculated henceforth as commencing on the effective date of this Executive Order through December 31, 1997, and thereafter, per calendar year;
5. Widely attended gatherings such as luncheons, speaking engagements, educational seminars or other events which an employee is assigned or requested to attend, provided that it is determined to be beneficial for the employing agency to be represented by an employee, or it is a customary or necessary aspect of the employee's duties to attend.

E. The head of each agency subject to this Executive Order shall designate an Ethics Officer for the agency. This employee should be someone who is

currently the Chief Internal Auditor, Inspector General, Chief Counsel, or similarly situated person. Agency Ethics Officers shall:

1. review senior employees' and contract monitors' statements of economic interest and disclosure forms before they are filed with the Secretary of State and Board of Ethics; and,
2. provide guidance to employees in the interpretation and implementation of this Executive Order. Policies that are more restrictive than those set forth in Part One of this Executive Order shall continue to follow any existing policies, statutes or regulations which are more restrictive or are in addition to those set forth here.

G. Employees who knowingly violate Part One of this Executive Order shall be subject to discipline up to and including termination.

II. COMPETITIVE PROCUREMENT PROCEDURES

The competitive procurement procedures established in Part Two of this Executive Order shall apply to all agencies' procurements for which contractors are first solicited on or after the effective date of this Executive Order, unless a different procurement procedure is required by federal or state law. Agencies may adopt or maintain policies that are more restrictive than those set forth in Part Two of this Executive Order, and shall continue to follow any existing policies, statutes or regulations which are more restrictive or are in addition to those set forth here.

A. All procurements specifically excepted in paragraph D, shall be advertised in the Official State Newspaper, in agency procurement bulletins, or through electronic means such as the Internet on at least 3 separate dates with a minimum of 14 days between the first and last publication date.

B. All procurements for goods, services and construction for which an agency is responsible, unless specifically excepted in paragraphs C or D, shall be awarded by competitive sealed bid. Each invitation for bid shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating bids. Invitations for bids shall be awarded to the lowest responsible and responsive bidder, and the winning bid shall be open for public inspection after the contract is awarded.

C. When the procuring agency determines in writing that competitive sealed bidding is either not practical or not advantageous to the State, competitive sealed proposals may be used to procure professional and artistic services, scientific and technical services, but not limited to: legal, medical and related services; and electronic processing equipment and services. Each request for proposals shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating proposals. Awards made pursuant to such competitive selection procedures shall be awarded to the responsible offeror whose proposal is determined in writing to be most advantageous to the State.

D. The following procurement do not require advertising, or the use of competitive sealed bids or competitive sealed proposals:

- 1) individual contracts for items, services or construction not exceeding \$25,000;

2) contracts for the direct provision of human services to clients or wards, provided that a written determination is made by the director of the agency that its use of competitive sealed proposals is not in the service recipients' best interests, and that the determination be reasonably available

for inspection.

3) emergency procurement such as when there exists a threat to public health or public safety or when immediate expenditure is necessary in order to protect against loss of or damage to State property or interests; or to prevent continuation of State services; or when necessary to prepare for emergency situations; or to protect the integrity or confidentiality of State records; provided that a written determination is made that an emergency exists and that the determination be reasonably available for inspection.

Notwithstanding the foregoing, such items or services shall be procured using the most competitive procedure reasonably available and appropriate to the specific circumstances.

E. All invitations to bid, requests for proposals must make reference to all requirements for certification and disclosure required by the Illinois Purchasing Act.

F. Each invitation for bid, request for proposals and contract shall require the contractor to notify the Agency Ethics Officer if the contractor solicits or intends to solicit for employment any of the agency's employees during any part of the procurement process occurring the term of the contract. The contractor shall make any necessary modifications to their existing policies and policies to ensure they comply with the requirements of this Executive Order.

III. EFFECTIVE DATE.

This Executive Order Number 2(1997) shall be effective September 1, 1997.

Issued by the Governor August 26, 1997.

Filed by the Secretary of State August 26, 1997.

PROCLAMATION

97-474 ARTENSA RANDOLPH'S FAMILY AND FRIENDS EXTENDED CONDOLENCES

Whereas, Ms. Artensa Randolph was born in Pine Bluff, Arkansas on October 1, 1955, and settled in Chicago in 1977, with dreams of improving the quality of life for her fellow citizens; and

Whereas, Ms. Randolph served as a Community Representative with the Board of Education for 22 years, a position she treasured; and

Whereas, Ms. Randolph also served as the Chair of the Chicago Housing Authority Central Advisory Council; and

Whereas, on June 9, 1993, South Calumet was named Randolph Towers in honor of Ms. Randolph whose inspiration and dedication to its residents reversed the downward spiral in occupancy and increased the occupancy rate to 100 percent; and

Whereas, the many accomplishments of Ms. Randolph were honored when the health clinic at 2716 South Wentworth in Chicago was dedicated as the Artensa Randolph Health Clinic; and

Whereas, Ms. Randolph met with Nelson Mandela, President Clinton, Jesse Jackson and members of Congress during the past decades in support of her many interests in community housing, development and education; and

Whereas, in 1996, Ms. Randolph was honored by the Central Advisory Council for her years of dedicated service, and she also served on the Woodlawn Organization Board of Directors, Doctors Hospital Board of Directors, and Altgeld Alternative Housing Board of Directors. She was also a member of the Eastern Star Princess Hagar Chapter #7, State of Illinois, Prince Hall Affiliation; and

Whereas, Artensa was a loving mother to daughters Ophelia Williams and Gwendolyn Bohannon and sons Michael Randolph and Eugene Randolph. She also was a devoted grandmother to Karen Randolph, Donella Randolph and Anthony Pitts; and

Whereas, Ms. Randolph passed away on August 19, 1997, at age 81;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend condolences to the many friends and loved ones of Ms. Artensa Randolph, who worked tirelessly and selflessly for the betterment of the quality of life for other people.

Issued by the Governor August 21, 1997.

Filed by the Secretary of State August 29, 1997.

Whereas, the arts in all forms are treasures that bring joy to everyone;

and Whereas, our lives are enriched by the art that surrounds us in our everyday surroundings, the art that is part of our history, and the art of faraway places that we bring home in our hearts and minds; and

Whereas, the arts in Illinois deserve recognition and support so they may continue to flourish in abundant variety; and

Whereas, the Illinois Arts Council and the National Endowment for the

Arts are two organizations that play a vital role in bringing the arts to our citizenry; and

Whereas, central to that partnership is the shared belief that freedom of artistic expression must remain unfettered by government interference in its content;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-11, 1997, as **ARTS WEEK** in Illinois.

Issued by the Governor August 22, 1997.

Filed by the Secretary of State August 29, 1997.

97-476

WAYS-LAKES FAMILY REUNION WEEKEND

Whereas, 33 years ago during Labor Day weekend, the Ways-Lakes family celebrated their first family reunion; and

Whereas, the Ways-Lakes reunion began in Dayton, Ohio over a discussion between two family members, Allie Long and Louise McDowell; and

Whereas, every year the Ways-Lakes family reunion takes place in various cities across the country; and

Whereas, this event is a way of reuniting the family in a glorious celebration with the theme, "Reclaiming the Family Tradition";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 9-September 1, 1997, as **WAYS-LAKES FAMILY REUNION WEEKEND** in Illinois.

Issued by the Governor August 22, 1997.

Filed by the Secretary of State August 29, 1997.

97-477

AMERICAN ISLAMIC COMMUNITY WEEK

Whereas, the Islamic Society of North America will hold a four-day convention from August 28 to September 1, 1997; and

Whereas, the convention will commemorate the 34th anniversary of the Islamic Society of North America, which is one of the oldest Islamic organizations serving more than 10 million American Muslims of the United States and Canada; and

Whereas, the 34th anniversary convention will focus on contributions of local Muslims to Chicago and Illinois; and

Whereas, more than 400,000 American Muslims reside in Illinois, promoting the themes of diversity, tolerance, and peace;

Whereas, the Islamic Society of North America strives for harmony in intercultural relations, friendship and world peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 28, 1997, to September 1, 1997, as **AMERICAN ISLAMIC COMMUNITY WEEK** in Illinois and urge all citizens to join in activities in celebration of this occasion.

Issued by the Governor August 25, 1997.

Filed by the Secretary of State August 29, 1997.

97-478

BETHESDA HOME AND RETIREMENT DAY

Whereas, on Friday, September 26, 1997, Bethesda Home and Retirement

Center will be celebrating 90 years of service in the Chicagoland community as an institution dedicated to serving the housing and health care needs of older persons; and

Whereas, the Bethesda Home and Retirement Center was originally founded on January 13, 1907, by the Norwegian Old People's Home Society - "Habet," this name was again changed and incorporated under the name "Norwegian Lutheran Bethesda Home Association of Chicago;" and

Whereas, the founder of Bethesda was Hildur Baade, a young Norwegian immigrant; and

Whereas, the present location for the Home at 2833 North Nordica became a reality for 70 residents at its dedication in 1925 at a cost of \$180,000; and

Whereas, Bethesda today provides a caring community for nearly 180 residents. Bethesda's mission remains unchanged today, as it seeks to maintain and provide a place of comfort and security for older persons;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 26, 1997, as **BETHESDA HOME AND RETIREMENT DAY** in Illinois.

Issued by the Governor August 25, 1997.

Filed by the Secretary of State August 29, 1997.

97-479

AFRICAN FESTIVAL OF THE ARTS DAYS

Whereas, the 8th annual African Festival of the Arts at DuSable Museum will be held on August 29-September 1, 1997, in Chicago, Illinois; and

Whereas, the Festival was founded by Patrick Woodior; and

Whereas, the purpose of the Festival is to celebrate the culture, heritage and traditions of the people of African ancestry through music, arts, crafts, dance, food and folklore; and

Whereas, the highlight of the African Festival is the creation of a traditional African Marketplace; and

Whereas, this Marketplace will include over 200 exhibitors who will display fine art and collectibles, handicrafts and memorabilia, fashions, traditional arts and crafts and ethnic foods; and

Whereas, the Festival will celebrate the international image of Chicago and Chicago's multiculturalism through the many fine examples of African cultural displays and performances;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 29-September 1, 1997, as **AFRICAN FESTIVAL OF THE ARTS DAYS** in Illinois.

Issued by the Governor August 26, 1997.

Filed by the Secretary of State August 29, 1997.

97-480

ILLINOIS AMBASSADORS OF MUSIC CONGRATULATED

Whereas, some of Illinois' finest student musicians have been selected to serve as members of the Illinois Ambassadors of Music and will be involved in a two-and-a-half week tour of Europe in the summer of 1998; and

Whereas, students nominated for membership in the Illinois Ambassadors of Music had demonstrated musical excellence and high record of achievement that led to membership in this prestigious group;

Whereas, high school band and chorus students are selected by their high school music directors based on their citizenship, character and musicianship;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate the *ILLINOIS AMBASSADORS OF MUSIC* for their efforts to share the spirit of friendship and good will in Europe during the summer of 1998 and commend these students for their accomplishments.

Issued by the Governor August 26, 1997.
Filed by the Secretary of State August 29, 1997.

97-481

KIDS DAY AMERICA

Whereas, the health and well-being of children is our responsibility; and
Whereas, the safety of our children is a significant concern for parents, community leaders and health care providers; and
Whereas, environmental welfare is of universal concern and deserves the utmost attention; and
Whereas, if started in childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society and securing our common future;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20, 1997, as *KIDS DAY AMERICA* in Illinois.

Issued by the Governor August 26, 1997.
Filed by the Secretary of State August 29, 1997.

97-482

BELVIDERE CONGRATULATED/THE CITY OF MURALS

Whereas, more than 200 artists and muralists from across the United States and Canada and from as far away as Australia and Ireland recently came to Belvidere, Illinois, to paint nine murals, and local high school students joined the event by painting their own mural; and
Whereas, in the span of 72 hours, nearly 6,000 square feet of murals representing Belvidere's rich history, were painted on walls throughout the downtown business district;

Whereas, the artists painted the murals at no cost to the community and equipment and supplies were donated by local businesses; and
Whereas, the murals grace historic buildings and have attracted numerous visitors to the Belvidere community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim Belvidere as *THE CITY OF MURALS* and congratulate the city on its unique addition to the Illinois landscape.

Issued by the Governor August 27, 1997.
Filed by the Secretary of State August 29, 1997.

97-483

ILLINOIS JUDICIAL COUNCIL DAY

Whereas, the Illinois Judicial Council is primarily comprised of our state's African-American and Hispanic judges and judicial officers; and
Whereas, many more African-American judges have been given the opportunity to be elected to the bench in Cook County as a result of the signing of the judicial redistricting bill; and
Whereas, the council takes part in many charitable and philanthropic

activities to assist the less fortunate individuals in our communities; and
Whereas, the Illinois Judicial Council has "adopted" a Chicago Housing Authority building, the council provides the residents with food and toys at Christmas, and maintains a library in the building, and occasionally visits residents; and
Whereas, the council has demonstrated a commitment to education. It operates a speakers bureau for schools, cosponsors a high school Law Day program with the Cook County Bar Association, and awards scholarships to law students; and

Whereas, the Illinois Judicial Council is holding its Annual Awards and Installation Banquet on September 26, 1997, at the Palmer House Hilton Hotel in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 26, 1997, as *ILLINOIS JUDICIAL COUNCIL DAY* in Illinois, and commend the council on its efforts to improve the quality of life for our citizens.
Issued by the Governor August 27, 1997.
Filed by the Secretary of State August 29, 1997.

97-484

TEMPORARY HELP WEEK

Whereas, the temporary help industry is a major contributor to a strong U.S. economy; and
Whereas, the temporary help industry provides millions of people with diversified, flexible employment and job training; and

Whereas, the temporary help industry provided more than 2.25 million jobs daily in 1996; and
Whereas, the temporary help industry was responsible for a payroll that was approximately \$43.6 billion in 1996; and

Whereas, temporary help companies provide our state's businesses with efficient, qualified people to solve temporary staff shortages; and
Whereas, this immediacy in solving staff shortages is so important that nine out of 10 companies hiring from temporary local businesses to major corporations, use temporary help services for their additional staffing needs; and
Whereas, the temporary help industry provides tens of thousands of full-time jobs by acting as a bridge to those jobs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13-17, 1997, as *TEMPORARY HELP WEEK* in Illinois.

Issued by the Governor August 27, 1997.
Filed by the Secretary of State August 29, 1997.

97-485

CHANGE THE WORLD OF A CHILD WEEK

Whereas, within the State of Illinois, approximately 30 percent of our students have a learning disability, suffer from learning delays; and
Whereas, learning disabilities are not inherent in students throughout

their educational careers as well as their abilities to become productive citizens; and
Whereas, the Michael Allen Leckrad Memorial Scholarship and Neuroscience Research Foundation have been established to alter the course of education for the learning disabled population throughout this country; and

Whereas, this foundation has fundraising activities planned in Illinois that will benefit the students of this state in the form of scholarships for community college, research into treatments for learning delays and for professional development for those educating the learning disabled within the State of Illinois; and

Whereas, the week of October 4-11, 1997 will be filled with events relating to children and their educational needs, as well as fundraising activities within the city of Chicago:

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-13, 1997, as *CHANCE THE WORLD OF A CHILD WEEK* in Illinois.

Issued by the Governor August 28, 1997.

Filed by the Secretary of State September 5, 1997.

97-486

MCKNICKE CENTER DAYS

Whereas, the McNickle Center is an independent research center established for the exploration of the Native American past; and

Whereas, the McNickle Center is a research center that offers fellowships to tribal historians, elders and other distinguished members of reservation communities regardless of their formal academic degrees; and

Whereas, the McNickle Center published an unprecedented 30-volume bibliography series, accessible to researchers and writers around the world, on the literature of American Indian groups and topics in Native American history; and

Whereas, the McNickle Center has organized teacher workshops and created educational works, including "Indians in America: Historical, Intellectual, and America in 1992," that have brought instructional methods and new conceptions of the Native American past to tens of thousands of students and readers; and

Whereas, the McNickle Center has fostered communication and exchange among teachers of American Indian history in schools and colleges across the United States, hosting conferences, conducting workshops and organizing research projects that have been marked by cross-cultural collaboration, open inquiry and mutual respect; and

Whereas, the McNickle Center has provided an unprecedented "Meeting Ground" for people who share a curiosity about the Native American past, a respect for learning and a desire to push past nationalistic stereotypes and embrace the complexity and the wonder of historical scholarship;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 12-13, 1997, as *MCKNICKE CENTER DAYS* in Illinois.

Issued by the Governor August 28, 1997.

Filed by the Secretary of State September 5, 1997.

97-487

RADIOLOGY TECHNOLOGISTS WEEK

Whereas, expanding health services and advancing knowledge are creating an ever-increasing demand for the services of qualified radiologic technologists; and

Whereas, radiologic technologists are concerned with the conservation of life and health and the prevention of disease; and

Whereas, radiologic technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and

Whereas, the Illinois State Society of Radiologic Technologists is holding its 62nd Annual State Conference, October 9-11;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9-11, 1997, as *RADIOLOGY TECHNOLOGISTS WEEK* in Illinois.

Issued by the Governor August 28, 1997.

Filed by the Secretary of State September 5, 1997.

97-488

SISTER MARY CATHERINE SPATZ DAY

Whereas, Sister Mary Catherine Spatz, IBVM, will be celebrating her Golden Jubilee as a Roman Catholic nun at 4:00 p.m. Mass on Sunday, September 7, 1997, at St. Adrian's Church in Chicago; and

Whereas, Sister Mary Catherine Spatz, IBVM, entered the Institute of the Blessed Virgin Mary on September 7, 1947, at Loretto Convent in Wheaton, Illinois; and

Whereas, she was born and raised on Chicago's Southwest Side and attended St. Leo Grade School, Loretto Englewood High School and is a graduate of St. Xavier's University, where she received her undergraduate and graduate degrees; and

Whereas, Sister Mary Catherine Spatz, IBVM, took her final professional vows in 1966, she taught at St. Bride School in Chicago from 1950-52, St. John Vianny in Northlake from 1953-55, St. Bernard in Chicago from 1956-58, and St. Cyril in Chicago from 1959-60; and

Whereas, she was Principal at St. Bernard's from 1961-68 and taught at St. Adrian School in Chicago from 1968-97;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 7, 1997, as *SISTER MARY CATHERINE SPATZ DAY* in Illinois and congratulate her on her many years of selfless dedication to the Church and the children of the Chicago area.

Issued by the Governor August 28, 1997.

Filed by the Secretary of State September 5, 1997.

97-489

HEALTHCARE QUALITY WEEK

Whereas, the quality of the healthcare system of the United States of America is a matter of deep concern to all Americans; and

Whereas, there is great governmental concern regarding the maintenance of high quality standards for this country's healthcare system; and

Whereas, responsibility for the quality of this country's healthcare system rests largely with healthcare quality professionals; and

Whereas, healthcare quality professionals are increasing their commitment to provide the highest possible quality of patient care; and

Whereas, we applaud all efforts by healthcare quality professionals to achieve the highest possible standards of healthcare quality; and

Whereas, the National Association for Healthcare Quality has established a special week to celebrate healthcare quality;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19-25, 1997, as **HEALTHCARE QUALITY WEEK** in Illinois.
 Issued by the Governor August 29, 1997.
 Filed by the Secretary of State September 5, 1997.

97-490

LANDMINE AWARENESS DAY

Whereas, there are an estimated 110 million landmines buried in 64 countries worldwide; and
 Whereas, landmines are indiscriminate killers whose life spans extend beyond the armed conflict and hostilities, and lay dormant even when peace is achieved;
 Whereas, landmines kill at least 10,000 people each year and maim another 20,000, with more than 80 percent of those killed and injured being innocent civilians, mostly women and children; and
 Whereas, it costs between \$3 and \$30 to produce a landmine, and between \$300 and \$1,000 to remove it; and
 Whereas, landmines caused 33 percent of all U.S. casualties, and 38 percent of all deaths in Vietnam and 34 percent of all U.S. casualties during the Gulf War, and every American military casualty in Bosnia has been from a landmine; and

Whereas, in response to the global landmine crisis, the United Nations has called upon the international community to help rid the world of this plague, and hundreds of thousands of people have joined to form the International and U.S. Campaigns to Ban Landmines; and
 Whereas, on May 16, 1996, President Clinton announced his support for a comprehensive ban on anti-personnel landmines; and
 Whereas, in December 1997, the Canadian government will host a conference where over 100 nations will sign a comprehensive treaty calling for an immediate worldwide ban on landmines;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 23, 1997, as **LANDMINE AWARENESS DAY** in Illinois.
 Issued by the Governor August 29, 1997.
 Filed by the Secretary of State September 5, 1997.

97-491

PRINCIPALS' WEEK

Whereas, the principal is the recognized educational leader of a school; and
 Whereas, the principal creates the vision and sets the expectation for a high level of student achievement and faculty performance; and
 Whereas, the principal establishes a positive climate for learning and attainment of educational goals; and
 Whereas, the State of Illinois recognizes and salutes the accomplishments, skills, and commitments to excellence of its principals; and
 Whereas, the Illinois Principals Association, under the leadership of its president Ron Gas, will hold its annual Statewide Professionals' Conference this week in Peoria;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18-22, 1997, as **PRINCIPALS' WEEK** in Illinois.

Issued by the Governor August 29, 1997.
 Filed by the Secretary of State September 5, 1997.

97-492

CHIEF PETTY OFFICER ZEIGLER CONGRATULATED

Whereas, Todd R. Zeigler entered the United States Navy on December 30, 1975; and
 Whereas, in his years in the U.S. Navy, Chief Petty Officer Zeigler has brought proficiency and expertise to his challenging Navy assignments, and he has been an asset to the U.S. Navy; and his exceptional performance and devotion to duty reflect his all-out commitment to conducting the military operations and missions; and
 Whereas, he currently serves as Damage Controlman Chief (Surface Warfare); and
 Whereas, Chief Petty Officer Todd R. Zeigler will retire from the United States Navy on September 30, 1997;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, extend congratulations and appreciation to Chief Petty Officer Zeigler on his many accomplishments and wish him well in his retirement years.
 Issued by the Governor September 2, 1997.
 Filed by the Secretary of State September 5, 1997.

97-493

PARK SMART AWARENESS WEEK

Whereas, vehicle theft is a serious crime that costs Illinois consumers and insurers close to \$1 million per day; and
 Whereas, Illinois Park Smart Awareness Week seeks to increase public awareness of vehicle theft and vehicle safety; and
 Whereas, the Awareness Week will consist of television and radio public service announcements and a direct mail campaign; and
 Whereas, by using grant funds effectively, I-ACF and the Motor Vehicle Theft Prevention Council are attacking motor vehicle theft by establishing new task forces, investigative teams and law enforcement programs throughout the State; and
 Whereas, since the Motor Vehicle Theft Prevention Act was enacted by the General Assembly in 1991, vehicle thefts have dramatically declined more than 22 percent;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13-20, 1997, as **PARK SMART AWARENESS WEEK** in Illinois.

Issued by the Governor September 2, 1997.
 Filed by the Secretary of State September 5, 1997.

97-494

WORLD FOOD DAY

Whereas, millions of people throughout the world experience hunger and malnutrition; and
 Whereas, children suffer the most adverse effects of hunger and malnutrition; and
 Whereas, the United States is the world's largest producer and exporter of

food and agricultural technology, and it assumes a key role in improving human nutrition among the less developed countries and regions.

Whereas Illinois is a national and international leader in food production, food processing, agricultural exports, and related technology, which allows it to contribute significantly to the global food system;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1997, as **WORLD FOOD DAY** in Illinois.

Issued by the Governor September 2, 1997.

Filed by the Secretary of State September 5, 1997.

97-495

DAUGHTERS OF THE NILE DAY

Whereas, members of the Daughters of the Nile consist of ladies related, by blood or marriage, to Nobles of the Ancient Arabic Order Nobles of the Mystic Shrine; and

Whereas, the Daughters of the Nile is an organization of more than 55,000 women in the United States and Canada; and

Whereas, members of the Daughters of the Nile are dedicated to providing service to the special children of the Shriner's Hospitals and Burns Institutes and have contributed over \$1.5 million to these hospitals in the last year; and

Whereas, there are five Daughters of the Nile Temples in Illinois with over 1,600 members; and

Whereas, on September 10, 1997, Kathleen Turner of Atlanta, Georgia, Supreme Queen of the Daughters of the Nile, will make her Official Visit to Aheba Temple No. 42 in Springfield, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10, 1997, as **DAUGHTERS OF THE NILE DAY** in Illinois and do further extend best wishes to Kathleen Turner for an enjoyable and memorable visit.

Issued by the Governor September 3, 1997.

Filed by the Secretary of State September 5, 1997.

97-496

SYMPHONY CENTER MONTH

Whereas, Music Director Daniel Barenboim's vision of bringing a vibrant festival hall to the city of Chicago is now a reality; and

Whereas, the Chicago Symphony Orchestra has proven an outstanding ambassador for the city of Chicago throughout the nation and the world; and

Whereas, the Chicago Symphony Orchestra is celebrating its 107th year of musical excellence with the grand opening of its new home, Symphony Center; and

Whereas, Symphony Center represents a splendid and significant addition to the city's cultural and architectural landscape; and

Whereas, Symphony Center is dedicated to cultural diversity and accessible to all Chicago residents and visitors; and

Whereas, the Chicago Symphony Orchestra has shown an exemplary dedication to the future of the city of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as **SYMPHONY CENTER MONTH** in Illinois.

Issued by the Governor September 3, 1997.

Filed by the Secretary of State September 5, 1997.

97-497

GLEN KINROSS DAY

Whereas, Mr. Glen Kinross serves as President of Rotary International; and

Whereas, President Kinross has dedicated himself to Rotary International, by serving as former President of the Rotary Club of Hamilton Brisbane, Queensland, District Governor, Board of Directors of Rotary International, and Vice President of Rotary International; and

Whereas, Rotarians throughout the world benefit from President Kinross' leadership and experience in directing Rotary Club initiatives; and

Whereas, Rotary Clubs provide services to their respective communities and improve the quality of life for countless individuals; and

Whereas, the State of Illinois has a strong affiliation with Rotary by serving as the home of the founding Club, Rotary 1 in Chicago, and Rotary International's headquarters in Evanston; and

Whereas, Rotarians from zones 29 and 30 have gathered in the Midwest for the Zone Institute; and

Whereas, President Kinross will be attending the Zone Meeting and hosting the President's luncheon;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 5, 1997, as **GLEN KINROSS DAY** in Illinois, in recognition of his contributions to Rotary International and various communities throughout the state.

Issued by the Governor September 5, 1997.

Filed by the Secretary of State September 5, 1997.

Rules cited upon during the quarter of April 1 through June 30, 1997 (Issues 17-38) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 III. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jatall@ccgate.sos.state.il.us (Internet address).

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